

US EPA ARCHIVE DOCUMENT

packs the actual document. It is a summary so it is a quick down and dirty sheet, okay? Also, we will be passing around for the members the information that Jolene said that she wanted to include about Plan EJ.

She talked yesterday. That is also being passed around right now for your use and preparation for tomorrow's conversation. So, I am going to turn it over to Elizabeth to convene our public comment. Thank you.

### ***PUBLIC COMMENT PERIOD***

MS. YEAMPIERRE: On a more personal note, I want to thank Sue Briggum for providing us with candy and everyone else who brought snacks. The lighting is really low and Shankar -- the lighting is really low, so it kind of has us at a low energy place so the public should know that it is not that we are not completely engaged, it is that this lighting is really challenging.

So, we are now at that point at the meeting where -- that we all really look forward to. It is the opportunity to listen to communities come and provide us with information about how issues are affecting them and their community. So, I am going to call the first three speakers who have signed up. You should be able to see your name on the screen.

The first one is Maurice Copeland with Community Advisory Panel, Bannister Complex Legacy Group. The second is Steve Klafka from Wingra Engineering and the third is Kristin Riott from Bridging the Gap. If the three of you could step up to the mike if you are here. If you are not, we will move on to the next three.

So again, Maurice Copeland, Steven Klafka and Kristin Riott. Are you Maurice?

MR. COPELAND: ---.

MS. YEAMPIERRE: Well, welcome sir. Thank you for joining us.

MR. COPELAND: Go ahead?

MS. YEAMPIERRE: You can begin. Thank you.

### ***Comments by Maurice Copeland, Concerned Citizen, Kansas City, Missouri***

MR. COPELAND: Okay. I am not speaking for the Community Advisory Panel. I am speaking for the sick workers and former workers at Honeywell, Bendix, Allied Signal, that is the same company, and also IRS and GSA, it is a federal complex on 95<sup>th</sup> and Troost. I worked at that complex for 32 years. I was discharged from the Army straight out of Vietnam, came back to Kansas City, went to work for IRS.

Shortly after that, I went to work for Bendix. I worked there 32 years as a machinist and then a tool and dye supervisor. The history of the nuclear weapons complex I am sure is well known by most people, especially people that work for the EPA and other regulatory monitoring agencies. In the recent past, I think that the news has come out that there were some misleadings done by the officials and the management of the complex as far as it related to the contamination and pollution that was dispelled from the complex.

I am here today to ask for a simple question -- ask a simple question of the government, the United States of America, who is -- think it is well known with another cover-up that I have been involved in with the Agent Orange from the Vietnam that they deceived us for many years and in the recent future the -- recent past, they started owning up to some of the contamination and the illnesses after 30 years of warriors, Vietnam Veterans dying.

My brother has brain cancer. He was in Vietnam also with me. My father has 6 brothers, so that is 7 of them that served in the United States Army. My grandfather served in the United States Army. I served in the United States Army also as I said. I am looking for environmental justice to reach me and the people that I represent.

The complex has denied -- openly denied the contamination and the illnesses at the plant. That they have known for years. I was a manager at Honeywell. I know what I did. I know the poisons that I gave to my people that worked for me as tool and dye makers. I know the exposures and the contamination that they took home and there are agencies that also know this.

If they do not know it, they should know it because they did monitoring and regulated certain chemicals and substances at that plant. I want environmental justice. I want the EPA, OSHA, the union, the International Association of Machinists and Aerospace Workers, I want GSA, I want Honeywell, I want IRS to come forth with the information and save the government a lot of money -- a lot of money for

the investigation of the past practices at that plant.

Now, GSA has informed me in the recent past that they cannot get in next door. That is Honeywell, the very same facility that they cannot get in there next door, that they cannot get their investigation that has been plaguing them. It should be known that GSA are paper pushers. They do nothing but push papers. So, how is it that GSA is so contaminated and they have all of these illnesses attributed to the chemicals at Honeywell and Honeywell is not coming up in the news as the root cause of the contamination?

How is it that none of these agencies have stepped forward, put the monitoring records of the cleanups, the evacuations of the plant -- it is mindboggling to me to be an employee of that plant?

MS. YEAMPIERRE: Mr. Copeland?

MR. COPELAND: Yes?

MS. YEAMPIERRE: I am sorry. There -- I think it is time that I -- I do want to say that -- thank you for coming before us. We know full well that an extraordinary number of people of color served this country and are exposed to toxics on the battlefield, come home and work for places -- in places where there are OSHA violations and live in communities where they are also exposed to an unfair amount of exposure to contaminants.

So, I certainly am sensitive to that. We have in previous meetings -- we often invite other agencies to come and we have heard testimony in the past from Veterans and folks similar to yourself who were talking about OSHA violations and maybe OSHA should actually come to future NEJAC gatherings to hear this testimony.

So, I want to thank you. I do not -- do any of the members of the Council have any comments or questions for Mr. Copeland?

(No response.)

MS. YEAMPIERRE: Okay. I thank you, sir.

MR. COPELAND: Thank you.

MS. YEAMPIERRE: Thank you for coming for us. Is Steve Klafka here?

(No response.)

MS. YEAMPIERRE: Kristin Riott?

(No response.)

MS. YEAMPIERRE: Okay. So, I am going to call Marvin S. Robinson, II, Richard Mabion and Don Holt, if you can all three come up to the table.

MR. ROBINSON: You want us to just --

MS. YEAMPIERRE: Marvin Robinson?

MR. ROBINSON: Yes.

MS. YEAMPIERRE: Welcome.

***Comments by Marvin S. Robinson II,  
Quindaro Ruins Underground Railroad, Exercise 2011***

MR. COPELAND: What an honor. Thank you so much. This is really a great moment in having the environmental justice National Advisory Council's conference in Kansas City. This is my 23<sup>rd</sup>, 7<sup>th</sup> month working with the Quindaro Ruins Underground railroad site in Wyandotte County. They were going to make it a toxic waste dump.

We were able to stop it in federal district court. The Kansas state legislature -- we beat a \$53 million counterclaim while I was through -- working with the Citizens Clearinghouse for Hazardous Waste, Lois Gibbs' group out of Love Canal. They have another name now. The site that your material lists Quindaro Ruins Underground Railroad, you could do a Google search engine and see the body of work for these many years.

Pretty much I wanted to be able to get on the agenda and say that the PBS, Public Broadcasting Station, with the National Parks Conservation Association last year kicked off a campaign for WPA, the Work in Progress Administration, and a group like the Environmental Protection Agency, I heard some of the comments this morning. I read all the time about what the EPA is doing.

I saw the elections November the 2<sup>nd</sup>. We saw the country go a completely different direction with the need for jobs. I am a Navy Veteran. Many of us are fighting homelessness. If you were here November the 5<sup>th</sup>, you would have saw probably 700 to over 1,000 Veterans standing on line who were either homeless or near homeless in the Kansas City area.

I heard those guys from Kansas City Power and Light talk about all the great grids with

the utilities. Different world, same community. Just some of the shelters here, you have to get on the waiting list. I used to do social service work and some of the fathers would -- who were actually with the family, they would rotate with the mother who stays in the car or the van with the dogs while the children stayed in the shelter where you would have to get on the list where they would not let the pet stay.

It is a huge honor to be able to be here today and I just wanted to kind of like say the Work in Progress Administration, the WPA, the economy is worse than ever. What better organization that Lisa Jackson's skill set to do the WPA, especially with the quinsentennial of the Civil War getting ready to take place. The Republican Party said they want to create jobs.

We really needs jobs before more people are homeless and forced into the Wells Fargo scenario that the other group spoke about today, which is true all over the country. I would not go further than that because I do not want you to --- or anything like that but thank you, bless you and I hope you enjoy your stay in Kansas City and make a repeat visit very quickly.

MS. YEAMPIERRE: Thank you so, Mr. Robinson. Peace and blessings. Any comments for Mr. Robinson? Edith?

MR. : Mr. Robinson?

MR. ROBINSON: ---. I am really nervous.

MS. PESTANA: You are not getting away that fast. Hi. I am Edith Pestana and I am with the state of Connecticut. I have a question regarding the facility that you are talking about that was going to be used for a --

MR. ROBINSON: Yes.

MS. PESTANA: -- Quindaro Ruins Underground Railroad?

MR. ROBINSON: The Quindaro Ruins Underground Railroad is the largest archeological underground railroad site in all of North America. Also, noted as the Pompeii of Kansas. It is 206 acres plus another 90 acres from another private family, another 25 acres, roughly 780 acres or 90 square miles. I am really very nervous. I --

MS. PESTANA: Let me just ask you a question.

MR. ROBINSON: -- should not be.

MS. PESTANA: Let me ask you a question so you do not think that you have to --

MR. ROBINSON: Okay. Yes. Okay.

MS. PESTANA: Okay. My question is do you have National Preservation Organizations help working with you to preserve the site?

MR. ROBINSON: Yes. The site was going to be a toxic waste dump. It is on the National Register of Historic Places. It is now considered a Kansas historic site. It is also part of the Freedom Frontier National Heritage Area but I am not trying to be funny or anything like that. I do not --- real uptown with a lot of fancy sentences.

Most of these people and agencies do not have the physical spine to -- they have neither the regulatory backbone nor the physical capacity to do what needs to be done. So, it is kind of like just floats and floats into bureaucratic -- I do not know the nice way to say it because I am talking to a lot of, you know, highly educated -- but you know what I am saying. It just -- it is there on paper --

MS. PESTANA: Who owns the property?

MR. ROBINSON: --- that died in '91 who, when he was 91 years old, he said that the fight belongs to the American population in the future because it was established by the French Canadian Wyandot Indians out of Ontario, Canada, the New England Emigrant Aid Society and the African Fugitives on their journey to freedom.

MS. PESTANA: Who owns it? ---?

MR. ROBINSON: The Department of ---. You said the Department of Energy ---?

MS. : ---.

MR. ROBINSON: You are -- that is completely -- okay.

MS. : ---.

MR. ROBINSON: Okay. That is -- okay. So, yes. Thank you so much. The materials, Google could confirm and also we are on Facebook, Tweeter --

MS. PESTANA: You are?

MR. ROBINSON: -- but I -- yes, but I -- it is in Tweeter but I do not know how to Tweet but it is a baseline --

MS. PESTANA: I do not Tweet either.

MR. ROBINSON: Okay. Yes. I am trying to learn --

MS. PESTANA: Do not worry about it.

MR. ROBINSON: -- but, yes.

MS. PESTANA: I do not feel badly.

MR. ROBINSON: The site is famous in cyberspace but it is not in real time and real life and that is what we want to do is the site to create jobs, meaningful salaries, meaningful wages to help to reduce crime --- senseless homicides and we can take and breakdown the barriers and let people know that the Civil War and the Freedom Movement was established by three different races that carved freedom together as opposed to one side being against the other.

There are enough artifacts and relics to fill three football fields -- three NFL football fields, not the stadium but -- and they are in the Kansas State Historical Society.

MS. PESTANA: Okay.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Thank you so much, Mr. Robinson.

MS. PESTANA: Thank you.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Sounded very sophisticated to me. It is okay to keep it real. We speak that language. I am sorry. I did not see you -- Jolene.

MR. : You have another question.

MS. YEAMPIERRE: Is this also for Mr. Robinson?

MR. : You have a question, Mr. Robinson.

MS. YEAMPIERRE: Mr. Robinson, there is another question.

MR. ROBINSON: --- make me nervous. ---.

(Laughter.)

MS. YEAMPIERRE: So, can you join us for a second? I am sorry.

MR. : Come back up here for --

MS. YEAMPIERRE: I think there is another comment for you -- question.

(Laughter.)

MR. ROBINSON: Okay. Thank you.

MS. CATRON: Sorry to make you keep walking back and forth. My name is Jolene Catron. I am a community organizer on an Indian reservation in Wyoming. So first of all, I would like to thank you for your service. I am also a Veteran of the United States Marine Corps.

MR. ROBINSON: Okay.

MS. CATRON: If there are any communities in the United States that suffer same kinds of issues that you brought up, it is certainly Native American communities a lot of times. The question about how do you organize -- how do you accomplish -- how can you get --- accomplish by organizing is really a good question.

So, I wanted to just offer to you that there are a lot of community organizers here on the NEJAC Council. We work at a grassroots level a lot of times. So, if you are more comfortable conversing with us one on one, I would encourage you to just, you know, pull up beside and talk to us. Our bios are in the paperwork that is out there.

So, do not shy away. We are just, you know, ordinary folks working just as hard in our communities to try to organize and affect change in -- where we live and so maybe there are some tips that we can give you, you know, as far as creating an organization or a structure that can accept funding or partnering as a physical agent with some other organization that has --- or something like that. So, yes. I would encourage you to talk to us one on one. Thank you.

MR. ROBINSON: Thank you.

MS. YEAMPIERRE: Richard Mabion.

MR. MABION: Mabion.

MS. YEAMPIERRE: Mabion.

MR. MABION: Yes, ma'am.

MS. YEAMPIERRE: Mr. Mabion, welcome.

***Comments by Richard Mabion, Building a Sustainable Community***

MR. MABION: Thank you. I am a community organizer and I was learned to be a -- I was trained to be a community organizer doing the 60's and 70's. So, I am kind of old hat at this. 9/11,

after being in business for 20 or 30 years, 9/11 kind of kicked me back to the curb -- those businesses we lost. It gave me a chance to see a need for a community organizer back in our communities.

I -- the young lady just said that she is a community organizer, so I am sure you are sitting around this table and know exactly what I am talking about. When I got back into it, the environmental movement got started so I picked up from there. So, I am going to talk about one aspect of my community organizing. That has to do with environmental literacy.

We as environmentalists have decided that it is our responsibility to make environmental literacy a front burner issue and that we need to start preparing our future generations for an uncertain future. So, I wrote what I had to say so -- to make sure I do not miss anything, I am going to go there and then I will come back. Okay.

As a community organizer, this -- let me know if you can hear me with this mike. As a community organizer who uses environmental justice as a way to educate low income youth for an uncertain environmental future, I have found most available textbooks very lacking when it comes to the history of the emergence of people of color and to the American environmental movement.

Names like Richard Moore, Ben Chavis are rarely mentioned. Because of this, I was recently asked to present this to a missing --- information to an environmental justice class at the University of Kansas that was studying the American Indian environmental issues. Then in summer -- then in September of this year, after touring the Love Canal as part of an environmental justice field trip sponsored by the North American Association of Environmental Educators in Buffalo, New York.

I was once again asked to present information regarding the history of the environmentalism for people of color -- this time to a group of environmental educators. They too were unaware of the history I was presenting. They were shocked to hear about the shot heard around the west. It was then I realized people of color concerns have been overlooked.

What do I want maybe NEJAC to advise EPA to do? Well, when I was looking at your -- on one of the other items, I guess when you gave them some suggestions or recommendations after the toxic monitoring issue that you have for your own air school, you said basically what I would say that EPA should provide adequate funding to support a community involvement and outreach plan.

Outreach and collaborative work with community partners requiring expertise and resources that needs to be identified and budgeted for doing the projects design phase interpretation of findings and implementation and mitigation measures. My request to you was make the inclusion of our people of color involvement in the environmental justice field a research project for classes, like the one I spoke to at the University of Kansas, and allow the leadership of NAAEE and its environmental justice committee to oversee the research.

I might be asking a lot there. The expected results would be an EPA sponsored textbook for all levels of educational institution. If you were here last night, you heard me saying that one of the things that are missing in our community is -- I am talking the other community, not the people that is mostly talked about when you say the "American public" but that portion of the community that we are not talking about.

The unseen part, the part that is hanging in there and trying to make it society.

MS. YEAMPIERRE: One minute.

MR. MABION: Got you. Is trying to make it into ---. Our responsibility is to see that they also benefit from seeing -- just if nothing else, the name of EPA involved in something. So, such a book is an aid and our boots on the ground, environmental educators -- in their effort to prepare our youth for what is obviously an uncertain environmental future. Thank you.

MS. YEAMPIERRE: Thank you so much, Mr. Mabion. Any comments? Hilton?

MR. KELLEY: Yes. Sir, I thank you for your comments and I think it was well received by this Council. I think more education needs to be done for our young people to get a better understanding of some of the contaminants that are out there and things that they can do to sort of prepare themselves for, like you said, an uncertain future when it comes to exposures.

There are a couple of books out there -- as a matter of fact, Mr. Steve Lerner just completed a book that is out there now called The Sacrifice Zone. It is sort of deals with a lot of the issues that African-Americans are dealing with in underserved communities when it comes to being placed in a close proximity to chemical plants, refineries, toxic dump sites.

So, I think that you can learn a lot from this particular book that is by Mr. Steve Lerner. It is called The Sacrifice Zone. I think that would be a great start to sort of start to educate yourselves and get young people educated on what is out there to assist with organizing and education.

MR. RIDGWAY: Thank you, sir.

MS. YEAMPIERRE: There are a lot of people all over the country who participated in the environmental justice movement. You named Richard Moore. He is one of our heroes -- people -- a person who is really done so much work in the southwest. He probably would not be in that book --

MR. MABION: No. No, he would not be in there.

MS. YEAMPIERRE: -- being Latino, right?

MR. MABION: Right.

MS. YEAMPIERRE: You know, the history of environmental justice goes way back. I mean, we -- the New York City, take it back to the young lords back in the 60's.

MR. MABION: Right.

MS. YEAMPIERRE: So, I think there might not be books. You might find books, of course, you know Bob --- has written quite a few of them but there are also articles. If you do a Google search, you can find a collection of things that you could use to start creating your own materials. I think that you are absolutely right that young people need to hear who these people living among them are --

MR. MABION: Right.

MS. YEAMPIERRE: -- and what the sacrifices they have made to transform the landscape. So, unless there are -- okay, Jolene? Anyone else? Jolene?

(No response.)

MS. YEAMPIERRE: Jolene. Thank you.

MS. CATRON: Hi. Jolene Catron. As an organizer also at the community level, I have looked at the EPA environmental education grants. I do not if you have looked at those.

MR. MABION: No.

MS. CATRON: They are highly competitive though. That is one of the issues that we ran into to augment some of the work that we have done. So, if you do not get the grant, it kind of leaves a hole in your program so you find some other way to fill the hole but --

MR. MABION: Right.

MS. CATRON: -- it is an intriguing question that you bring up. Grant funding for specifically EJ environmental literacy is something that is very important.

MR. MABION: If I may stay -- I know they asked me to go. The purpose here is to motivate the youth that are within our people of color, low income communities. I mean, we use athletes and entertainers to respect them to decide I want to be like that. We need them to become more involved in the environment, not just because of the pollution and the buildings and the stuff around us but the environmental concern.

Being poor is an environmental justice issue and I think we can address that. The books -- just so they can be something real for them to be able to cling to that they actually helped produce. Thank you.

MS. YEAMPIERRE: Absolutely, sir. Thank you so much for joining us. Next, I am going to call Don Holt. You have a comment? I am sorry. Kim? Kim has a comment for Mr. Mabion.

MR. MABION: ---.

MS. WASSERMAN: No, that is okay. I apologize. I was a little late. I am putting up my sign. I just wanted to say -- my name is Kim Wasserman from LVEJO. I just wanted to say until the day comes that organizers can be in the books, one thing that I would invite you to do is to reach out to community organizations and organizers that are on the ground.

I think a lot of us are always willing to work with young people in our neighborhood and outside of our neighborhood to talk to them about what we are doing and why they should be involved. So, I think that is a great resource, as well, is hooking up with community organizers that are already on the ground and having them talk with young people until our stories can make it into lots of books hopefully in the near future.

MR. MABION: Got you. Thank you. Anyone else?

(Laughter.)

MS. YEAMPIERRE: So, I am going to call on Don Holt, Lynda Callon and Stephanie Tyree. So, while you are coming up, I am going to share -- Susie Garnalez\*, who is Latina, is in the book and so is Juan Bahrez\*. This is The Sacrifice Zone. Welcome Stephanie. It is so great to see you.

MS. TYREE: Thanks, Elizabeth.

MS. YEAMPIERRE: I think we can start with you.

MS. TYREE: I always get nervous too like Mr. --

MS. YEAMPIERRE: Really, I saw you talk at the White House and after that I do not think that is possible.

MS. TYREE: I was very nervous there too.

***Comments by Stephanie Tyree, Ohio Valley Environmental Coalition in West Virginia***

MS. TYREE: Thank you for letting me speak today. I am Stephanie Tyree. I am with the Ohio Valley Environmental Coalition in West Virginia and I am here with my colleague Junior Walk who is going to be up here next. I am speaking today on behalf of the Alliance for Appalachia which is a regional group to represent environmental justice and community organizations throughout central Appalachia, including West Virginia, Kentucky, Tennessee and Virginia.

We simply work on mountaintop removal mining issues in the central Appalachia coal field. The issues of mountaintop removal mining (buzzing) and to our own families are the most important. Clearly all environmental justice problems are important but I implore the Council and the EPA to recognize the urgency of the environmental injustices that are facing Appalachia because of mountaintop removal coal mining.

In Appalachia, we are under a human rights assault in the coal fields. We are paying the price for our nation's energy addiction every day in Appalachia with our health, our future and our history. The scope and impact of mountaintop removal mining is well known to the EPA. I hope it is well known to the Council.

Those of us in Appalachia appreciate the recent actions that EPA has taken on the issue including guidance that they have given on mountaintop removal and hopefully not accepting a mountaintop removal mining permit but the action the EPA has taken is not enough at all. Regulating mountaintop removal is accepting and slowly facilitating the annihilation of a culture -- of my culture.

Women in Appalachian coal fields live on average a decade less than women in other parts of the nation. Cancer rates are skyrocketing throughout these communities that are literally ringed by environmental harms from billion gallon sludge dams that leach into groundwater or break creating catastrophic safety and long-term health impacts, from drastically poor air quality from processing plants, coal trucks, trains and other distribution points and soil contamination that makes even basic gardening a potentially toxic activity.

These are communities where red tap water is the norm. These are towns where brain cancer, fibromyalgia and other rare diseases are far too common. Where coal field residents die too quickly merely because of where they are born, the opportunities for economic prosperity in Appalachia are intentionally cut-off by the irreversible destruction of mountaintop removal.

Let me state that I am talking about mountaintop removal coal mining. This is a type of coal mining that is less than 10 percent of the entire coal production. It is not necessary at all. At the same time, our cemeteries and our ancestors are literally being destroyed and buried by the mines and whole communities are being forced out by mine operations that span tens of thousands of square feet.

If that is not clear, that is like more than 15 square miles. It is bigger than D.C. and New York City. They are huge operations. Make no mistake, the first communities that are forced to go in the coal fields have been Appalachian communities of color.

MS. YEAMPIERRE: One minute.

MS. TYREE: The scope of the destruction, to public health, the land and our history is far more than I can say in five minutes, obviously, but what I can say now is hopefully to give you a sense that we are getting it from all sides in the coal fields and that those of us on the ground -- and that for those of us on the ground, the EPA is literally the only place we have to turn.

In West Virginia, our governor, who is now our senator, literally shot a whole in the climate though to show his literal allegiance to coal -- his utter allegiance to coal. Kentucky's new senator, Rand Paul, dismissed MTR as affecting just a few hills that nobody would mess. We banged our heads bloody against the brick wall of our state and local representatives for nearly 20 years.

We recognize opportunity that now is in the EPA to stand up for environmental justice in Appalachia but we cannot waiver on this opportunity. I strongly urge NEJAC to recommend to the administrator that mountaintop removal be banned not --

MS. YEAMPIERRE: Time.

MS. TYREE: -- regulated and reduced. We must prioritize people over short-term corporate profits. Mountaintop removal is not necessary. The people of Appalachia are not expendable. Please prioritize protecting us and abolishing mountaintop removal.



MS. YEAMPIERRE: Thank you so much, Stephanie, for that compelling testimony. We will now take questions and comments from the Advisory Board. Teri?

MS. BLANTON: Thank you, Stephanie for making the trip here and a few mountains will be missed if we are talking about 500 mountains in central Appalachia. In Kentucky alone, 600,000 acres flattened -- reduced to rubble. So, thank you for your time.

I want to ask you and I want to Junior, as he comes up here, when the people were talking about greening of Kansas and this community, and I really applaud them for their work, but then I am also a little taken back when Vernice asked where their energy comes from and that 60 percent of it comes from coal, so I am really happy that your greening your community but you seem to be blowing up my community in order to be green in your community.

So, I think, as we move forward talking about being a green community and plugging in your cars and plugging in your busses, you must think about where that electricity is coming from. So, thank you.

MS. TYREE: Can I respond?

MS. YEAMPIERRE: Yes, absolutely.

MS. TYREE: So, Junior and I were talking this morning about statistics for mountaintop removal. One of the statistics that you hear a lot is that 500 mountains have been blown up, like Teri said, and 12,000 -- 1,200 miles of streams have been buried but those statistics are really old. I wonder, you know, how many mountains now have been blown up.

You hear a lot about the EPA stepping in to look at these permits and to potentially veto the one like I sort of stumbled over saying before, but it -- all that talk about that can leave you to forget that mountaintop removal mining is happening six days a week, every week in West Virginia and in Kentucky and Tennessee and Virginia.

So, we are -- it is still happening. We are still under assault. In Kentucky, I know that there are some counties where 25 percent of the land area has been flattened by mountaintop removal and it has not been recovered. It is unstable land that is just sitting there. So, I think that because of where we are located, the scope of the destruction gets -- is unseen and is sometimes forgotten about but when you live there, it is everywhere.

The other thing I wanted to respond to in terms of what Teri said was Junior and I were also sort of talking before when we were listening to the presentations about how cool it was, what is going on in Kansas City with the Green Impact Zone and that idea just generally and wouldn't it be nice if the EPA came to the coal fields and did even half of that in the coal fields.

You know, invest just a portion of the money -- especially the economic development issues and weatherization and those kinds of things and we are really just not seeing it at all.

MS. YEAMPIERRE: Vernice?

MS. MILLER-TRAVIS: Thank you, Elizabeth. Stephanie, like Elizabeth, I am really glad to see you. You are -- the highlight of my day has been seeing you. I wanted to ask you if you have had a chance to look at the materials that were circulated for this meeting like this binder of stuff.

MS. TYREE: Not really.

MS. MILLER-TRAVIS: So, if you get it -- if you get a chance, I want to ask you to look in section -- it says -- it is Section Three, Day Two. The first document in that section is the NEJAC Permitting Subgroups Preliminary Draft Response to EPA's Integrating EJ into Permitting. On page 13 and 14 in this report, we tried to at least take a preliminary stab at the mountaintop removal permitting issues and the conflict with the Army Corps of Engineers and the lack of push and enforcement by EPA to those local 402 and 404 permits.

I would ask -- I would like to ask you and Junior if you could look at those 2 pages and just give us some feedback offline as to whether or not we are on point, if we have captured, you know, the issues, the concern, if we are making recommendations to EPA that you think are really going to change that situation -- but just to give us some feedback since you all are on the frontlines of dealing with this issue.

MS. TYREE: One thing that I can say right now is that there has been a lot of focus on valley fill permitting and changing that permitting as a way to stop mountaintop removal mining. I think that that is key and critical but I have heard and watched as coal companies have quickly attempted to change their practices so they can do mountaintop removal mining without valley fills so they can -- I won't get into the specifics of it.

But anyway, I guess I would caution the EPA from getting sort of lost in the semantics of

it and not recognizing what is happening on the ground and so -- the loopholes, I guess, that can be created when you think you are solving a problem with quick fixes but the problem is actually quite a bit bigger.

MS. YEAMPIERRE: Father Vien?

FR. NGUYEN: Thank you, Stephanie. More of a comment than a question. I guess people like Stephanie showing up here or wherever, a response would be these people are impeding development. These people are impeding economic development shall we say and that is, you know -- the people who are concerned about the community -- their life really are somehow always on the end where we have to defend ourselves in a way.

So, earlier when Bob was talking about somehow to make EPA better, I do not know if there is anyway -- how can we make it so that environmental justice issues would be integral to all of the business decisions so that we do not have to be on the tail end trying to fight it so that Stephanie and Junior would not have to travel the distance coming up here.

Oftentimes, they are the ones who are -- who cannot afford to travel and yet always have to be at the frontline defending. So, I am wondering if somehow that can be integrating into the educational side as we connected with the EPA just so that the smaller communities do not have to fight anymore.

MS. TYREE: I have a response to that.

MS. TYREE: I have a response to that (laughter) of course. So, when you say we are the ones impeding economic development, my first question is who is he talking about? Am I impeding the economic development or are the mining companies impeding economic development?

The way that we see it is that they -- there is literally a mono-economy in central Appalachia, which has been intentionally setup over 150 years, that has created a system where the only jobs that are available -- and Junior can talk about this much better than I can but the only jobs that are available are mining jobs or service industry jobs or you can sell drugs.

So, what other choices do you have if you do not want to leave your town? If you love where you are from and that is where you want to be -- and especially when a strip mining job pays so well, you know. So, I think that for us a lot of the challenge is getting out the facts and even just getting people to listen that, you know, there are economic opportunities that we could have if the coal industry did not have an iron grip on our economy, including our politicians.

MS. YEAMPIERRE: Stephanie, before you leave can you just briefly share with us your position on clean coal?

MS. TYREE: Clean coal is a dirty lie.

(Laughter.)

(Applause.)

MS. YEAMPIERRE: Thank you.

MS. TYREE: I actually say that in honor of Judy Bonds, who is one of our heroes in the environmental justice movement and has really laid so much groundwork in West Virginia in the Appalachian and coal issues. Thank you.

MS. YEAMPIERRE: Thank you so much, Stephanie. That was brilliant. Thank you. (Applause.)

MS. YEAMPIERRE: Sorry. I did not -- wait. You know what it is? I cannot see folks who are right next -- sorry. Lang has a question or comment.

MR. MARSH: Thank you, Stephanie, very much for bringing this up. It certainly has been a practice that -- as the Supreme Court said about another matter a long time ago, it shocks the conscience to think about what this entails. In my experience, asking EPA to enact a ban a certain practice or material is a very, very huge ask.

Where it has been successful is where there is clear documentation of the health and other impacts and, you know, I hate to say it because it sounds crass but where that can be translated into money terms. For example, the diesel emission regulations in the automobile emission reductions that have been quite dramatic over the last 10 or 15 years have been as a result of studies that show what the cost is in terms of hospitalizations, mortality and so forth and so on.

So, as one -- my question is really about the state of the information base about the impacts that have occurred as a result or are occurring or expected to occur as a result of the mountaintop removal aspects. I mean there are a lot of so called -- what the economists call externalities in the coal cycle from mining to transportation of the coal to combustion to waste management and so

forth, none of which are taken into account in the actual pricing of the commodity of coal on the market.

So, what we have to do to really address Fr. Vien's issue as well is to figure out how to incorporate those costs into the price of coal and so -- or into regulatory issues like banning. So, my question is I just do not know what the status of scientific and other documentation of those terrible impacts that you described are and whether there is an investment that needs to be made in getting more information along those lines.

MS. TYREE: I think about this a lot. I am confused about the world that we live in where it seems like facts do not matter or facts are not heard and I wonder how many more studies we need on mountaintop removal. There are enough studies to fill a book. The EPA just came out with a study finding, the negative impacts of it.

I am actually a terrible person to ask this question to because numbers just fly out of my head and all that kind of information sort of non-hyperbole stuff does not really stick with me but the point is the EPA just released a study finding negative -- significant negative impacts with it. There was a study released earlier this year, I believe, in the Journal of Science that was a peer reviewed study finding that the impacts of mountaintop removal are irreversible and the environmental impacts were extreme and there is no way for the ecosystem to recover from it.

What you have is a just total -- not just pollution of water sources for us and for the eastern seaboard -- let us be clear about that, the impacts are pretty huge from this, but an annihilation of those water sources. Then there is a number of health studies too, some of which I cited in my comments. Then there are a number of economic studies finding that the cost of coal, as many of you know on NEJAC -- the cost of coal is far beyond -- the actual cost of coal is far beyond the price that it gets shown as.

In West Virginia, there is a study released, I think, earlier this year or late last year that found that the state was paying millions of dollars more to support the coal industry than it was getting from the coal industry. So, I do not have those numbers on my head but we can and we have supplied EPA with the studies. Like is said, it is enough to fill a book.

We have been working on others, I mean I know -- but many have been working on this for decades and I -- well, I will just speak for me. I am tired of studies. I am tired of us thinking okay, well, let us just see this a little bit more and see if it is really that bad. You can just walk into the coal fields and know how bad it is. It is irrefutable, I think.

MS. YEAMPIERRE: Thank you, Stephanie. Sometimes studies become dilatory tactics. I am going to call up to the table -- I am sorry. There is --

MS. ROBINSON: Teri.

MS. YEAMPIERRE: Okay. You need to help me with this. So, I can sort of answer that question for you.

MS. : Yes.

MS. BLANTON: The only health study that has really taken place is from Michael Hendrix from West Virginia University, I think. That is the quotes that she was talking about, the fact that people die 7 to 10 years sooner than anyone else and then there is the economic studies from West Virginia and also from Kentucky. In 2007, it actually costed the state of Kentucky \$150 million to host the coal industry in the state.

That is dollars in, dollars out. That is not talking about the environmental impacts or the health impacts. That is just dollars in, dollars out. So, we actually subsidize the coal industry at a very high rate within our states and also on the federal level. But as far as studies -- health studies, there have not been that many health studies and some of that is happening now but I am with Stephanie, just take a fly over of central Appalachia.

MS. TYREE: Yes, everyone is invited to come to West Virginia or Kentucky or Tennessee or Virginia and fly over. We have a program set to fly people over so we would be thrilled if NEJAC came and flew over.

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes. I commend you for taking a stand for your community and for your state. I had the pleasure of going to Virginia during the Environmental Justice For All Tour in 2006 and we did fly over those sites. It is unbelievable how a mountain can be destroyed and the mud and the soot just rains down into the rivers and then into the communities where homes are being buried by the mudslides.

So, keep going with your fight. Eventually, I think, together we can make some changes

but just keep going. Do not give up.

MS. YEAMPIERRE: Thank you so much, Stephanie.

MS. TYREE: Thank you.

MS. YEAMPIERRE: Junior Walk, Lauro Silva and Eric Kin --

MS. ROBINSON: Kirkendall.

MS. YEAMPIERRE: Kirkendall, if you could state your name and your organizational affiliation before you begin your testimony? Welcome.

***Comments by Junior Walk, Coal River Mountain Watch***

MR. WALK: Thank you. My name is Junior Walk. I work for Coal River Mountain Watch, a small non-profit in Whitesville, West Virginia. I am 20 years old. I have lived in the Coal River Valley my entire life. Growing up, I went to Marsh Fork Elementary School, which is situated 500 yards from a 2.5 billion sludge impoundment.

Sludge is the byproduct of cleaning coal to make it fit the regulations for clean air standards and it -- but they pump it into these impoundments which are like giant earthen dams and then it just sits up there, you know. It does not go away. Then it is also situated next to a coal preparation plant which is where they, you know, clean the coal.

So, I went there for seven years, you know -- my entire time in elementary school and after I survived that ordeal, I went on to Marsh Fork High School which was promptly closed the last year -- I was there the last year that it was open and consolidated to another school.

That school was about 15 minutes from my home and the school that they consolidated it into was about an hour away from my home so I had to ride a bus for an hour or 2 and from school every day which, you know, I could not do any after school activities or things like. So, it is a way that they kept western Raleigh County and eastern Boone County really kind of like, you know -- keeping them poor, you know, making sure that the kids from that area could not better themselves.

I was the first person in my family who had any interest in going to college. So, I had no idea how to go about it and, you know, I just did not really have a chance to do it for several different reasons. I did what a lot of the people in the coal fields do when they graduate high school. I went to work for Massey Energy which is one of the largest coal producers in the United States.

I worked at the Elk Run Preparation Plant. It was a couple of miles from my home. I worked there for about six months and I just knew that I could not keep doing that. I mean working around all this sludge and the chemicals and the coal dust, I knew like that was going to kill me if I did not leave. I mean I might not be too smart but I was smart enough to figure that out.

My father still works there. He has worked there for about 10 years now and I would say he is lucky if he has another 4 years left in him. So, I quit there and I moved around from job to job for a little while and then a family friend of mine offered me a position as a security guard on a mountaintop removal site. I was hard up for work because you cannot find work in southern West Virginia so I took the job.

I worked there for about six months and just being there in the middle of it -- like I knew mountaintop removal was a bad thing and I knew like strip mining, yes, that has got to be horrible but being there in the middle of it and knowing like that that was actually real. That was a completely different situation because like growing up, I had poison water.

It was red, sulfury. It smelled horrible. I knew that the people below that mountaintop removal site were going through the same thing I was and I felt like just a horrible human being for being the slightest part in what was tearing down that mountain and putting those people through that. So, I started volunteering with Coal River Mountain Watch around that time to, you know, alleviate my conscience a little bit, I guess, and eventually Judy Bonds offered me a job as the office manager.

Now, I knew that if I were to take that job, my parents would have to kick me out of the house, because I still lived with my parents at the time, but I was okay with that. I mean -- because my dad works for Massey Energy and, you know, if he --

MS. YEAMPIERRE: One minute.

MR. WALK: -- associating with a tree hugger, that was an automatic death sentence right there. So, you know, I did and that is what I have been doing. I guess that is about all I have to say.

MS. YEAMPIERRE: Thank you, Junior. Before we take any comments from the Council, Karl, would you like to make a comment for Stephanie or Junior? So -- okay.

MR. BROOKS: Would I?

MS. YEAMPIERRE: Yes. Would you?

MR. KARL BROOKS: Well, I guess since all of this takes place well outside Region VII, I am not sure I have got any real particular level of expertise. I mean I know that the agency is working closely on this but I think I would probably be insulting the intelligence of people who know a whole lot more about this than I do to say anything but thank you anyway.

MS. YEAMPIERRE: All right. Thank you. It was suggested by a member of the Advisory Council and I was trying to follow up. So, all right. Teri?

MS. BLANTON: You know this is my opportunity to talk about some stuff. So, I do not think -- let me tell you what he was talking about with sludge -- with the sludge. It is, I guess, one of those processes they call cleaning coal but no, when the coal is first brought from the ground, whether it is surface mine or whether it is deep mine, then they actually clean the coal and they separate the rock and the dirt and the coal --

MR. : ---.

MS. BLANTON: Yes. They use chemicals in order to separate the coal and the rock and dirt. Then when you have these huge impoundments -- that is what he is talking about that is overtop of this school. In 1972, in West Virginia, one burst and killed like 125 people and displaced thousands. Then, in 2000 in Kentucky -- in the year 2000 in Kentucky, one burst in Martin County which killed 100 miles of streams all the way to the Ohio River with 300 million gallons of toxic sludge.

So, this is the beginning of coal. This is the very beginning -- of when it is severed from the ground and it is processed, before it is even put on trucks and taken to the power plant. So, that is what he is talking about that is going on the mountains. In Kentucky alone, we have over 100 of such impoundments that are holding millions -- sometimes billions of gallons of this toxic sludge.

MR. WALK: If I might respond to that. I actually had a distant family member that died in Buffalo Creek in 1972, so --

MS. YEAMPIERRE: Kim?

MS. WASSERMAN: First thing, I would like to thank Stephanie and Junior for coming up here. I think it takes a lot as an individual to not just talk about what you believe in but how it connects to you personally. So, I thank you for sharing that part of your life with us. I think, if nothing else, I appreciate you all coming to testify because I think it is important for anybody who does not know where their energy comes from or knows that it comes from coal to truly understand what that means.

We have a coal power plant in our neighborhood and it is nothing compared to what mountaintop removal does and I think for us, it only made us more impassioned by knowing what the lifecycle of coal is and so I applaud you for coming forward. I do hope that not just members of NEJAC but members in the audience are really taking home what the fallacy of coal is and really understand why we need to get off of this deadly, deadly form of energy.

So, I applaud all of you and I look forward to fighting -- and continuing to fight with you all against coal from mountaintop removal through coal power plants through coal ash. So, thank you very much.

MR. WALK: Thank you.

MS. YEAMPIERRE: Thank you so much, Junior, for joining us. Next, we have Lauro Silva.

MS. : Not here.

MS. YEAMPIERRE: Not here. Okay. Eric Kirkendall.

MR. KIRKENDALL: Kirkendall.

MS. YEAMPIERRE: Kirkendall. If you could repeat your name, for the record, and your organizational affiliation. Thank you.

***Comments by Eric Kirkendall, Johnson County Intermodal Coalition***

MR. KIRKENDALL: Thank you. My name is Eric Kirkendall, Johnson County Intermodal Coalition.

MS. : Raise the mike.

MR. KIRKENDALL: Thank you. Better?

MS. : Yes.

MR. KIRKENDALL: Okay. Thanks. My -- what I came here to talk about is the proposed BNSF Intermodal Facility to be located near Edgerton, Kansas in rural Johnson County. I am a citizen who initially got involved in the intermodal in order to save my health and my wife's health and our house.

The house is now gone and where the house was is a warehouse.

I live in Lawrence which is a great place but while fighting for myself, I realized how dangerous the intermodal and the associated trucking was going to be to the nearby towns, Gardner and Edgerton, and started learning about the health impacts. So, though my battle is over for myself and my wife and my house, I have continued it.

My goal is two-fold. One -- and the goal of many other people who have been involved in this very same facility. One is to, you know, share adequate analysis of the affects, particularly the health effects of the proposed intermodal facility, before a federal permit is issued. A federal permit has to be issued because a waterway feeds into the Kansas Rivers to be moved, which has gotten the Corps of Engineers and EPA both involved.

My second goal is to do my best to ensure that the facility is not built until the health risks are mitigated and where we are today is far from there. I am absolutely thrilled to learn about the environmental justice community. Despite having worked this issue for three or four years, I knew very little about it -- probably because I was busy reading about PM and trying to understand all of that.

So, I am grateful to have a couple of minutes to talk about it. A couple of side comments before I dive in, one, I -- my mentor, when I was in college, was a guy who talked about --- a lot and I try not to because it goes -- it is not something most folks are interested in but I heard somebody, perhaps it was Mr. Brooks, bring it up. I will mention this. I think all of you know this.

Diesel exhaust particulate matter is extremely unhealthy. It triggers asthma. Some think it causes asthma. People who live near freight corridors or large concentrations of trucks and diesel die - - it is the very same number I heard earlier; 7 to 10 years sooner than the average person. It causes premature death by heart attack and lung problems. So, it is a very serious problem. It is also 100 percent preventable. It is 100 percent manmade.

The question of studies was raised earlier -- a great question. I am going to start talking faster because I am watching the numbers up there -- down to 2 minutes. There have been a lot of health studies on particulate matter. I have a request to make of the EPA.

I request that the EPA review the funds you granted by the U.S. Corps of Engineers for the proposed facility applying principals of environmental justice and other tools at your disposal and consider requiring or recommending that an environmental impact assessment be conducted. I am going to be really quick. What is the purpose of the BSNF intermodal facilities?

I am going to slow down a little bit on this because you will not see this in any official documents whatsoever because the studies so far cover this up. The purpose of the BNSF intermodal facility is to increase throughput of the import of Chinese goods into the United States. Something like 40 percent of goods come through the ports of Long Beach and L.A., imported Chinese goods, are carried by BNSF across the Trans-Con Line which runs through the middle of Johnson County.

Right now, Chicago is so clogged it takes three days to get through there. BNSF is busy double tracking and triple tracking to improve -- enhance the capability of moving goods --

MS. YEAMPIERRE: One minute.

MR. KIRKENDALL: -- and move more imports but they do not have enough rail capacity so they are moving --- system just like the railroads did, the airlines did for passengers except they take a train to the hub and from the hub, they take trucks. So, the intermodal facility proposed to be built near Edgerton, Kansas is to place the road intends take these imported goods by train, take them off the train, put them on trucks and truck them up to 500 miles.

That is an area of 750,000 square miles. You think of it as a funnel. The funnel has a rail line coming in it and out the other end comes the trucks and the particular matter and the health effects. I am going to skip a lot of my detail because I am sitting here looking at one minute but the analysis done to justify the funds, it was inadequate and I believe it was unjust.

First, no public hearing, as required by NEPA and the CFR. Second, did not -- the EA never considered the true business purpose of the facility or the possibility that the facility would increase the volume of imports into the country and pollution and health effects. Third, despite BNSF presentations about the size of the facility being 1,200 acres, they were allowed to -- may I go one minute?

MS. YEAMPIERRE: (Nodding of head "Yes".)

MR. KIRKENDALL: Thank you. They were allowed to say for the purpose of the study was 500 acres. Fourth -- and I will not get into detail on this. I will skip at the air pollution studies were extremely narrow in scope. They did not consider affects on the schools nearby. There is a school within

a half mile and several others a couple of tenths of a mile away from the Intermodal Facility.

There is also a rehab hospital there. BNSF has projected that this facility, at full build out, will generate 60,000 diesel truck and car trips per day. Per day. That is not the number they used in the EA. That is the number they used on another study.

Needless to say, having 60,000 truck trips and car trips emanating from and going to a single site in the middle of a single county and then spreading throughout the Kansas City area is going to have a disparate effect on the people in that community and the people along those roadways, many of who are poor and underinsured or uninsured. The -- I will skip the rest.

There are many other flaws and they are very well documented with comments by me, by mini -- NRDC, by Sierra Club and by one of you future speakers. Why is it important that EPA consider this proposed development as an EJ issue? Number one, because it is not the final goods movement project that the Kansas City area will be faced with.

The Kansas City area, as you all know, has relatively uncongested highways, does not yet have the air quality controls of other cities. This is a great opportunity for somebody that wants to make money to take advantage of uncoded externalities. That is the congestion and the health effects this thing will bring to Kansas City. BNSF and other shippers would like to take advantage of our good roads and clean air.

There is going to be more warehouses. There is going to be more trucking projects. I ask -- I don't know what you can do. I know how bureaucracies work and I know how the limits of power are when you work for a federal agency but I ask that you do everything you can to take a second look at this project and try and make it cleaner, better and safer. Thank you.

MS. YEAMPIERRE: Thank you so much.

MS. : ---.

MS. YEAMPIERRE: Nobody? Okay. Karl?

MR. BROOKS: Yes. Thanks, Elizabeth.

MS. YEAMPIERRE: Thank you.

MR. BROOKS: Unlike mountaintop mining, this is one that I do know just a little bit about because it is in the Region. It is about 15 miles south and a little bit west of here. I would like to thank Mr. Kirkendall for taking the time to summarize some of the challenges about it. I am not going to get into the mode of defending all that was done at the Regional office.

Responding to the 404 permit, much of that was done before I started there this spring but I just make a couple of observations. One is that the legal authorities that the agency followed in responding to the petition were those that govern the agency in responding to all kinds of requests to do EIS's. We as, I am satisfied, followed the precedence that guide the agency.

Commenting on the proposal, as we saw it, the agency did actually make some substantive recommendations to the Corps of Engineers and to the applicant, which we believe will address the concerns about air quality in that area. I am sure reasonable people can debate about how successful those mitigations will be but we think that they were useful.

I guess the final point I would just suggest for everybody to think about, goods movement through Kansas City is, and has been for a long time, one of the main air quality challenges that all kinds of communities face. About a mile west of here is a huge concentration of rail yards in a very low income neighborhood, populated mostly by Kansas Citians of color. So, these are tough choices in trying to decide how to move goods through here.

We are not empowered to get into the economics of what BNSF is doing. I would just say that an argument has been made and could be made -- and maybe Mr. Kirkendall and I can take it up later, that trying to disperse goods handling away from communities that have historically really taken the brunt of it may, in the end, provide more benefits to more people in the greater Kansas City area.

I recognize reasonable people can disagree about that but it is possible that there may actually be some net benefits to the very kinds of communities that we are trying to serve here. But again, reasonable people could disagree. I thank you for bringing the concerns to our attention.

MR. KIRKENDALL: I would like to, in the future, take advantage of your offer to take it up later. I would appreciate that opportunity.

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: Yes. Mr. Kirkendall, I just have a question. Did I understand that you said there was no public comment period given before the permit was issued?

MR. KIRKENDALL: No. What I said was that there was no public hearing.

MR. KELLEY: Well, you are familiar that you have a right to request a public hearing and a public comment period should have been given and usually is posted in the paper to where you can make comment. Also, at the library, it should have been posted. So, you might want to check into that. Also, there is a Goods Movement Initiative that is out there now.

Many, many people across the country are organizing to fight issues with goods movements.

MR. KIRKENDALL: Thank you. Thank you for those suggestions. Just a minor point -- but I did request a public hearing of the U.S. Army Corps of Engineers. Very early in the process, the CFR regs, the government actually requires it but they have internal rules that allowed them to not have such a hearing.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: Mr. Kirkendall, thanks for bringing up this issue -- to our attention. Just to -- on a historical note, this is a major issue that we are facing in California too. The whole issue of this goods movement is a challenge and the ports -- what I may really -- rail yards are really strong and powerful and have a strong lobby.

Having said that, what the NEJAC has taken this a serious issue and has actually produced a report on this goods movement particulate issue. One of the recommendations we made is really the challenge the EPA has in terms of assigning any kind of a risk in a nearby zone. The reason is that they --- diesel exhaust is very well known to cause cancer and it has a -- all the studies point to that.

EPA has not been able to establish what you call as a unit risk factor. That preempts them to be calculating what is the potential for cancer risk. In fact, we made a specific recommendation -- this body has made a specific recommendation to EPA to retake -- take a second look at it and see whether they establish that --- risk value because it helps in characterizing the risk nearby ---. So, we will provide you those references to you and so on --

MR. KIRKENDALL: Thank you.

MR. PRASAD: But at the same time, one of the things that -- it happened even in the Roseville rail yard expansion and with the Union railroads and also Commerce -- in the city of Commerce in California, with the expansion. Some of the things that are really help there is actually to -- EPA or one of the agencies -- local agencies take the lead and bring the parties together and see whether there could be some kind of a memorandum of understanding between all the three parties in order to see what the next step could be at -- how -- to what extent it can be mitigated and what stepwise expansion can take place and those are the things that have actually worked in California on a couple of occasions.

MR. KIRKENDALL: I very much appreciate comments. In fact, one of the issues I did not get into, because I had to skip a lot of detail, is that really, really wonderful mitigation agreements have been put together in California in at least one case and those were not even considered in the -- in EA for this particular project.

MS. ROBINSON: Mr. Kirkendall, this is Victoria Robinson here with EPA. I am going to give you the URL, the website, for -- you can get a copy of the NEJAC's recommendations specifically to goods movement and you can -- there is also a response document from EPA that outlines some of the steps that EPA is doing nationwide related to goods movement.

It is a very, very comprehensive and very, very -- it is done from EPA nationwide. The URL is [www.EPA.gov/environmentaljustice/NEJAC](http://www.EPA.gov/environmentaljustice/NEJAC).

MR. KIRKENDALL: All right.

MS. ROBINSON: When you are on -- that is the main page for the NEJAC and then on the right side there is going to be a little box. One of the boxes says Recommendations.

MR. KIRKENDALL: Okay.

MS. ROBINSON: Click on Recommendations and you will see the list of reports that the NEJAC has generated over the past 16 years, okay?

MR. KIRKENDALL: Thanks.

MS. ROBINSON: One of the -- ones near the top is goods movement, like the fifth or so from the top. Okay?

MR. KIRKENDALL: Thank you very much.

MS. ROBINSON: All right.

MR. KIRKENDALL: I appreciate it.

MS. YEAMPIERRE: Thank you. Vernice?

MS. MILLER-TRAVIS: Thank you, Elizabeth. Thank you, Mr. Kirkendall, for bringing



this. Karl, I want to say that your response left me a little queasy and I want to tell you why. I do not know -- all I know about this subject is this conversation we have had right here, so obviously Region VII has probably been up to their eyeballs in this issue but the permitting of this and the designation of a finding of no significant impact is an issue that happens all too often.

The environmental impact assessments that need to be done do not get done when the agency renders a finding of no significant impact. If I could change anything about the history of the struggle in my home community in New York, it would be when EPA first rendered findings of no significant impacts for a sewage treatment plant that changed our lives fundamentally.

So, that was a little troubling. But even more troubling was when you said that in order to reduce the impact of truck traffic and intermodal rail freight on EJ communities in Kansas City that a determination has been made to put this facility in Johnson County and maybe move it to some other places to reduce the burden in those communities.

I deeply, deeply, deeply appreciate the thoughtfulness of that but to move the problem from one community to another community is not environmental justice. It is disbursement. I just want to make sure that as you think about remedies and you think about practices going forward, that to take a problem that had been concentrated in one set of communities and move it to another set of communities is not justice. It is just moving the problem from one place to another.

The mitigation measures the things you can do to lessen the environmental and public health burden on that community is just as important as the burdens that were concentrated in the communities in Kansas City in the first place. So, I just wanted to share that.

(Applause.)

MS. YEAMPIERRE: Thank you. Our -- yes? I am sorry.

MR. BROOKS: Right. If I could respond just very briefly to that, it is important to establish that the decision that was made by the agency was not intended to distribute the burden. I simply observed that there are people who study the question of goods movement who would identify the classic rail corridors and Kansas City is a place where particulates have been concentrated for a long, long time -- disproportionately burdening people who live there.

Simply an observation that some have made that attempting to open up the Kansas City area would be probably in the long-term benefit of many of those people who suffered for a long time. That was not the basis at all for EPA's position, so far as I understand it. Nearly all of that decision making took place long before I became the RA.

MS. YEAMPIERRE: Thank you.

MR. KIRKENDALL: May I make a 30 second comment in response to the concentration issue?

MS. YEAMPIERRE: Go ahead. Yes.

MR. KIRKENDALL: Thank you very much. I put myself through college working in a warehouse, so I am not an anti-warehouse guy. In fact, Lawrence, Kansas still has a -- has a Kreski warehouse -- has for 30 years, the very one I worked in. What is going on with BNSF and the intermodal is concentration of activities that were once widely dispersed.

A warehouse in a community is a really good thing. It is a good thing for Lawrence to have that warehouse. I have friends that still work there. What BNSF is attempting to do is to concentrate warehousing and concentrate trucking. Like a lot of goods, a little bit is okay. A lot in one place, concentrated, is a really bad thing and I think -- I agree with your point. That is where the injustice comes.

It allows BNSF to make more money but it is making more money because of uncoded externalities because they do not have to pay the cost of the pollution or the congestion or any of the rest. So, thank you again for your time and consideration and thoughtfulness. I greatly appreciate it.

MS. YEAMPIERRE: Thank you. Thank you so much. Next, I am going to call Sharon Rodriguez, Ann Suellentrop and Rachel Russell.

MS. ROBINSON: Somebody else will speak for Ann Suellentrop ---.

MS. YEAMPIERRE: Okay. So, Sharon?

MS. RUSSELL: No. Rachel.

MS. YEAMPIERRE: Rachel. Is Sharon Rodriguez here or Ann Suellentrop?

MS. ROBINSON: Who is speaking for Ann Suellentrop?

MS. YEAMPIERRE: Okay. Could you please state your name and organization affiliation?

MS. DRESSMAN: Alicia Dressman, Physicians --

MS. YEAMPIERRE: You need to speak into the mike please. Thank you. Just turn on the mike.

MS. DRESSMAN: Yes.

MS. YEAMPIERRE: Thank you. Welcome.

***Comments by Alicia Dressman, Physicians for Social Responsibility***

MS. DRESSMAN: Okay. Alicia Dressman, Physicians for Social Responsibility, Kansas City.

MS. YEAMPIERRE: You can begin. Thank you. Welcome.

MS. DRESSMAN: I will be speaking for Ann Suellentrop. I would like to advocate for comprehensive cleanup of the current Kansas City plant located at Bannister Federal Complex which makes 85 percent of the parts for nuclear weapons and has a legacy of 785 toxics and hazardous chemicals from its 61 years of operation.

The EPA has designated 15 Superfund sites at the BFC in 1989 and is currently reassessing its placement in regards to the National Priorities List. The contamination of the current plant has been covered over with a parking lot and has contamination -- and has pump and treat stations but the contamination still remains in the ground up to 50 feet below the surface and in the aquifer and in spills in nearby rivers.

I would like to discuss the lack of planning for cleanup of the new Kansas City plant now under construction. Groundbreaking was just in September. An interesting quote concerning the Kansas City nuclear weapons parts plant appeared in the National Nuclear Security Administration's Fiscal Year 2011 Stockpile Stewardship on Management Plan, which is the plan that NNSA showboats before Congress in the springtime.

The quote is, "Finally, because a new facility will be leased under a certain subleasing agreement with the GSA, NNSA and the city of Kansas City, there will be no capital investment and the NNSA will not be burdened by costs for legacy disposition should the mission ever be discontinued."

So, this sounds like the federal government is walking away from any future obligation to cleanup any contamination at the new Kansas City plant, which is interesting given how there is no federal commitment to clean up the old plant which is contaminated. The federal government needs to take responsibility for the messes it creates, particularly in residential neighborhoods.

It is an environmental justice issue because the current plant is located in poor African-American neighborhoods and the future plant is located in an economically depressed neighborhood, as well. Thank you. I will take questions.

MS. YEAMPIERRE: Thank you. Before taking questions, what is the level of community involvement in this campaign?

MS. DRESSMAN: There is a community advisory panel that was assembled over the summer with appointees by local Senators and members of the city Council. So, there are -- there is a former employee of the Kansas City plant that serves on this community advisory panel.

There is a Sierra Club member that serves in this environ -- community advisory panel and then there are a disproportionate amount -- and this is, of course, is my subjective opinion, a disproportionate amount of business interests that economic development -- the EDC has its appointee, as well. So, there is community involvement to that level --

MS. YEAMPIERRE: Okay.

MS. DRESSMAN: Local residents are involved. Local residents are --

MS. YEAMPIERRE: And the stakeholders?

MS. DRESSMAN: Local residents are involved. Yes. The Linden Hills Neighborhood Association has a representative on the community advisory panel and that is where -- it is in its initial stages. The second meeting will be happening this Thursday.

MS. YEAMPIERRE: Thank you. Any questions or comments from the Advisory Council? Hilton?

MR. KELLEY: Yes. I understand. You are saying that they have a Community Advisory Panel. Does that panel consist of residents that are -- could possibly -- and that are being impacted by this particular site?

MS. DRESSMAN: By the old Kansas City plant? Yes. The Linden Hills neighborhood is -- is just right across the street. It is in proximity. Yes.

MR. KELLEY: So, how was this panel selected? Were they selected by that particular industry or are these -- was the panel self-injected into this process?

MS. DRESSMAN: The Community Advisory Panel, they were appointed by state Senators, Senators, representatives, city council members -- so, it was political representatives that appointed these members in.

MR. KELLEY: All right. Thank you.

MS. YEAMPIERRE: So, unless selected by an elected official, someone would not have an opportunity to participate in this process?

MS. DRESSMAN: Right. You would have to advocate for -- they would have to advocate for themselves by submitting their name or someone submitting their name to a political appointee.

MS. YEAMPIERRE: All right because we are asking -- you know why we are asking? Because we are talking about environmental justice and we think that in any decision making that has a disparate impact on communities of color, that community of color have to be engaged in a meaningful way that they have to be at the table and that those decisions cannot be made for them by other people.

So, that is the reason that we are asking. So, for us it is extremely important in weighing in and making recommendations on these issues that the people impacted are at the forefront of the decision making process.

MS. YEAMPIERRE: But -- Karl?

MR. BROOKS: Sure. The composition of the Community Advisory Panel followed EPA guidelines for building panels like this. There was a definite effort to reach out to members of the geographic community near the Bannister plant and a number of the representatives are those who are involved in local affairs, including I think a school board member, as well as at least one or two members of the City Council in that area.

I mean I would not sit here and tell you that every single member of the panel would sympathize with your view or with anyone's view but to the extent we -- to the extent we tried to reflect opinion in the community about the issues at the plant, we think we not only complied with the rules, but we think that we reached out in a pretty genuine way to engage members in the community.

Obviously, some views probably are not reflected to the degree that you might expect, but we think the composition is a pretty accurate reflection of opinion in the community there that are directly affected by what happens at the plant.

MS. YEAMPIERRE: Is that your view?

MS. DRESSMAN: Agree to disagree but I think the effort was made there but I think also, it is too early to make a full assessment as there has only been one initial meeting. As the process goes on, I will be there to monitor the situation and make sure that expediting environmental remediation is a priority rather than expediting redevelopments of the Bannister Federal Complex. So --

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes.

MR. KELLEY: Yes. Coming from an industrialized community in Port Arthur, Texas, we deal with refineries and chemical plants, and many times what happened, you will find that some of these industries find it their best interest to hand pick a lot of people that sit on these CAP's. I mean, in my community, I am the environmental activist in the city of Port Arthur, yet I was never invited to sit on a CAP, number one because I know too much.

In our particular CAP, you have a coach, you have a police officer, you have some older folks who have been in the community for a long time and they really do not understand environmental justice issues. These are the people that sometime industries seek out to put on CAP's. So, be very, very careful and revisit that and try to identify someone that is on that CAP that is actually from the impacted community and you may find that there is nobody there.

So, if you want a real voice at that table, push to ensure that somebody from that impacted community is on that cap.

MS. DRESSMAN: Thank you.

MS. YEAMPIERRE: Any other comments?

(No response.)

MS. YEAMPIERRE: Did I miss anyone?

(No response.)

MS. YEAMPIERRE: All right. Thank you so much for joining us. Rachel Russell?

***Comments by Rachel Russell, Arc Ecology***

MS. RUSSELL: Good evening. My name is Rachel Russell. I am here today on behalf of Arc Ecology. We are a community based grassroots organization located in San Francisco, California in a community called Bayview Hunters Point. Our work is focused around the environmental responsibility piece. A compassionate economy and a just society.

I am here today to give you just a brief Arc day on the progress and issues of concern in the Bayview Hunters Point community. We are an environmental justice community and we suffer from a disproportionate of polluting industries, industrial facility, motor vehicle and truck emissions. Our community has served as the city's industrial and human dumping ground.

Bayview residents are predominately low-income people of color. Bayview is the home to the last significant African-American population in San Francisco. It is also the last stop for many of San Francisco's poorest resident before seeing refuge outside of the city. There are more than 325 toxic sites in our community, including the Hunters Point Naval Shipyard, a Superfund sited and the PG&E plant.

We are neighbors to the city's remaining PG&E power plant and 30 percent of San Francisco's hazardous waste sites. 1 in 5 Bayview residents have asthma and the incidents of chronic illness are in the community, as a whole, is 4 times the state average. San Francisco's main waste water treatment facility is also located in Bayview Hunter's Point.

We treat over 80 percent of San Francisco and our neighboring city's waste water. The scary part is that for years, the environmental discourse in our community has been focused on the Hunters Point shipyard and the PG&E power plant. Most residents are unaware of the number of -- and complexity of environmental hazards that they face day to day.

One of our many concerns at Arc Ecology are the hundreds of polluting industries flying below the radar of the EPA, the state of California, the city government and the general public. You would not even know that these buildings were home to polluting industries unless you lived near one of the unlucky homes on the route for a 12:00 a.m. delivery truck.

Or, if you stood on a neighboring hilltop watching the smoke stacks, watching the smoke rise from their exhaust stacks. From what we have been able to observe, these industries released just below the threshold limit and are not required to report their chemical use or disposal. Our concern is the cumulative impacts of all the little polluters in Bayview's industrial flats.

We are not saying that we should no longer focus on the cleanup of the shipyard but we are urging NEJAC to advise the EPA to begin considering the cumulative impacts and pathways of exposure from these small generators of pollution. Our organization is prepared to complete a study to identify cumulative impacts from all point and non-point sources in our community.

We need to begin focusing our attention on the right threats. Lastly, I would like to briefly mention our experience with the Restoration Advisory Board's, also known as RAB's. Communities RAB focused on the Navy's cleanup of the Hunters Point Shipyard was dissolved by the Navy. We believe that RAB served an essential -- as an essential vessel for community input.

Arc Ecology has supported the RAB process in the past. In fact, our organization spent a good deal of time during the 1990's providing input into the RAB process and helping RAB members succeed through RAB caucus meetings. The RAB process and the community involvement programs they represent are in desperate need of improvement.

We suggest RAB's in environmental justice communities be provided additional support, such as bringing in outside expertise from universities and professionals who have signed agreements to forego contracting at the site while engaged in the RAB process. We also believe that RAB's would benefit by greater linkage of local government representatives and reuse authorities.

The environmental justice principal recognizes that poverty is a factor in the creation of EJ communities and countering poverty needs to therefore be a part of the EJ solution. Oftentimes, local residents who participated in the RAB process wanted to discuss issues such as local hiring, a topic that is often outside the scope of RAB's.

EPA should work with the military, the Department of Labor and local government to create a better way to address community input into the cleanup and employment process and the opportunities that they do create. On behalf of Arc Ecology, I would like to thank you for this opportunity this evening. Any questions?

MS. YEAMPIERRE: Thank you, Ms. Russell.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Any comments or questions from the Council? Sue?

MS. BRIGGUM: Yes. Thank you. I am thinking about the report we are going to talk about tomorrow with regard to environmental justice in permitting and thinking about what you just mentioned in terms of the small sources. Do these all have permits? Or if we focused on environmental justice in permitting, would they also fall below the radar screen but still be important as the major cumulative impact?

MS. RUSSELL: I am not prepared to answer that question. Part of the problem is we do not know. Like we do not know what these facilities -- what these industries are doing. We can just smell them and we can hear them. We want to know what is going on and we need to be able to do those studies.

MS. BRIGGUM: I would just say that suggests to me that they do not have permits --

MS. RUSSELL: Right.

MS. BRIGGUM: -- so that is very helpful input to us. Thank you.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Victoria.

MS. ROBINSON: Hi, Rachel. It is good to hear about the RAB's. I was involved early on in the '90's with the training that EPA worked with DOD in helping to develop the Restoration Advisory Boards -- part of the base closure effort. It is good to see that there is a positive response in your community.

MS. RUSSELL: Yes.

MS. ROBINSON: Regarding trying to find out information about those facilities in your neighborhood, go online. There is an excellent online resource -- GIS resource called EJ View. It used to be called EJ Assessment Geographic Assessment Tool. It was upgraded and we call it EJ View and I - you are going to have to go to Erin or someone over here from our office to get the URL.

MS. RUSSELL: Okay.

MS. ROBINSON: But what you can do is you go in and it provides a geographic interface and links to all facilities that -- from which there are permits have been issued, whether they are all water, air or RCRA permits, solid waste permits, they will show up on that thing.

MS. RUSSELL: Okay.

MS. ROBINSON: You can go in and search by the facility name. You can search and do a whole view of the community in question to get a list of all the ones that have permits and then you can get a sense of whether they are not. If they do not have permits but they are TRI reporters, I believe it is - also will show up, as well, on the TRI listing.

So, you can get a sense of if they are meeting before the threshold for a permit but they are still emitting, there should be a TRI report so then you can cross-reference between the two and get a sense of what is coming.

MS. RUSSELL: We have done some work with the TRI and there is only one reporting industry. We know that there is many, many more. So, like as Sue said, they are not permitted. They are not following the process correctly. So, I am very familiar with EJ View and the TRI program. Thank you.

MS. YEAMPIERRE: Thank you. Hilton?

MR. KELLEY: Yes. I think that your case is very well stated. I think you put it out there for us and I commend you for coming forward to fight. I live in the Bay area for like 21 years -- from 1980 until 2001 in Oakland, California. I spent a lot of time in the Hunters Point area. I am very much aware of the Todd Shipyard issue, which is now resolved, but I know there are many other issues.

I would like to encourage you to check out the Global Community Monitoring Organization with Denny Larson. They have a wealth of information within their organization that I think could really help you to understand exactly what some of those industries are emitting. They are online. All you have to do is Google Global Community Monitoring. I think they can assist you.

MS. RUSSELL: Thank you. I have actually been to that website. You may know Pamela Calvert? She is on the Board with you, right?

MS. YEAMPIERRE: The other thing, Rachel -- I do not know where you might be able to access the resources to do this is to have your own air monitors.

MS. RUSSELL: Right.

MS. YEAMPIERRE: We have mobile air monitors where you measure the levels of

PM2.5 NOx, Sox and Carbon Monoxide and short of having a university that can provide you with those resources, if you could get a grant to get those monitors, you will be able to create your own data and be able to monitor the level of cumulative impact. So -- now, let us talk later and we can share with you what our monitor is doing and how we got them --

MS. RUSSELL: Okay.

MS. YEAMPIERRE: -- but sometimes when those resources are not available, it really just takes accessing a grant that pays for the equipment. I know that the PM2.5 monitor, the mobile one, is about \$10,000.00. So -- but it is something that is worth having in a community like yours where you really need to document that.

MS. RUSSELL: Right. Right. I would love to talk with you about that later.

MS. YEAMPIERRE: Okay.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: That was very well put and I really appreciate you coming over here and I am familiar with the area and I come from Sacramento and so, having said that, I mean I know of an effort that -- Bay Area Quality Management District undertook, in terms of prioritizing say -- some communities based on cumulative impacts, demographics and the health points. Did your area become one of the priority areas or did it miss it --

MS. RUSSELL: I believe our area did receive those grant monies -- the Green Action, I believe, received the grant but I do not believe the study is out yet or completed.

MR. PRASAD: Okay because that is another place where they are planning on continuing that project and want to integrate this community impacts and they are actually going -- they are integrating that and also looking at modifying the permit conditions in those priority areas.

MS. RUSSELL: Okay.

MR. PRASAD: So, that is something that is going on I am aware of. I have not closely followed it but that is some place that you may want to check, as well.

MS. RUSSELL: Thank you. Thank you.

MS. YEAMPIERRE: Okay. Thank you very much for joining us.

MS. RUSSELL: Thank you.

MS. YEAMPIERRE: Next is Craig Lubow, Jan Whitefoot and Jane Stoever.

MR. : Jan -- I believe she is not here.

MS. YEAMPIERRE: Jan Whitefoot is not here. Craig Lubow?

(No response.)

MS. YEAMPIERRE: Jane Stoever?

MS. STOEVE: ---.

MS. YEAMPIERRE: Okay. Welcome.

### ***Comments by Jane Stoever, Peaceworks***

MS. STOEVE: Thank you. Thanks to all of you for your commitment and your courage in doing the community development and in speaking out about an environmental justice in your own locations. I believe that copies of my statement, which I did not make a few days ago electronically -- but I brought copies. I think they are coming around to you now. So, I appreciate the staff's help on that.

Let me say that I am Jane Stoever with Peace Planters, Kansas -- with Kansas City Peace Planters, which is an umbrella group. In that umbrella group, I represent Peace Works, Kansas City. I am a member of Peace Works, Kansas City. You may know we have both sides of the state line in the KC metro area, Missouri and Kansas.

I want to speak about the contaminants at what we call the Bannister Federal Complex. 60 percent of that is the Kansas City plant, which makes parts for nuclear weapons and has for 61 years. 40 percent of that is other federal agencies. The General Services Administration has a big office there and some agencies have succeeded in moving away from the plant, which is known to be highly contaminated.

So, we have 2 different types of things going on. We have got the nuclear weapons parts plant and it is non-nuclear parts but they include things like the trigger for the nuclear weapon. Fuses, radar, containers for tritium, we make it here in Kansas City. It is a very well kept secret in Kansas City. What I am circulating, you will notice that it has two websites on it.

The first website is for NBC Action News. They began a year ago this month

encouraging people who had worked at Bannister Federal Complex, either at the Kansas City plant site, the nuclear weapons production site, or the General Services Administration side with many other federal agencies. People from either sides of those agencies, they began encouraging them to send them their name if they felt that they were sick from contaminants there.

Low and behold, the list that is at this website, which is now a little bit outdated, but it is probably, you know, four or five months old, it has a record of Kansas Citians -- 122 of who's families say they died from contaminants there and then the others are people who have self-declared as having had illnesses from contaminants there.

So, we have a highly toxic work area. We also have, if you look down my little one page for a minute -- we also have had involvement of Sierra Club in checking the discharge pipes and a person with Sierra Club Water Sentinels learned that the Missouri Department of Natural Resources found studies indicating that PCB levels at the discharge points into our two local waterways there were up to 22,000 times higher than acceptable levels of PCB's.

So, Sierra Club people went out and put signs up. Then, within a little while, the Department of Natural Resources came and put up formal signs but it took community action to get that. That was around 2003/2004. The next web address that I asked you to go to is the one that Alicia Dressman from Physician's for Social Responsibility in KC referred to where the NNSA Fiscal Year 2011 Stockpiled Stewardship in Management Plan says "because the new facility will be leased, there will be no initial capital investment and NNSA will not be burdened by costs for legacy disposition should the mission ever be discontinued."

Now, we know many people throughout the world are pushing for no nuclear weapons by 2020. We know many countries are pushing for this. We know many --

MS. YEAMPIERRE: One minute.

MS. STOEVEER: Many people are saying that the power -- what the non-nuclear weapons can do is so stupendous. The human race has figured out many ways to kill people and the dangers of the nuclear weapons are so severe -- but what I wanted to focus on more here was the dangers to our community and to the workers in our area. We hit kind of a bind.

We have EPA doing studies on the GSA side, that EPA telling us that they cannot touch the Kansas City plant side. We are saying -- and the workers there have told us, all the toxins are with them. That is where the toxins are. Then we have the city holding the title to the new property. It will be the only city that holds the title to a nuclear weapons production -- the facility.

We have been aghast at this, but we also know that here it is in print. If the mission is discontinued --

MS. YEAMPIERRE: Time.

MS. STOEVEER: Then -- may I have one more minute?

MS. YEAMPIERRE: If you can just wrap up, please.

MS. STOEVEER: Okay.

MS. YEAMPIERRE: Thank you.

MS. STOEVEER: If the mission is discontinued, Kansas City -- what is the city going to do with all this legacy disposition? We know there is going to be depleted uranium there. I am coming to you to ask for your help in shining a light on this problem that is going on and we know other nuclear facilities are similar in the country for damage that they have done to the residents but we have got some EPA involvement.

We have had a history of not having the full truth from the EPA. I appreciate suggestions being made concerning the CAP but we also need a study of the Kansas City plant itself and the toxins surrounding it.

MS. YEAMPIERRE: Okay. Thank you.

MS. STOEVEER: Thank you.

MS. YEAMPIERRE: Thank you, Ms. Stoeveer. Any comments or questions from the Council?

MS. HORNE: Just a quick check in with Karl. Do you know of any other situation --

MS. YEAMPIERRE: Savi?

MS. HORNE: -- of a municipality or a state --- own in a nuclear facility?

MR. BROOKS: I do not and --

MS. HORNE: Is this the case for this particular plant in Kansas City?

MR. BROOKS: I am sorry. I do not know the details of the arrangements the city of

Kansas City has with NNSA or any of the parties involved with that. I do not know.

MS. HORNE: Okay.

MS. STOEVE: Could I give like a 10 minute --

MS. YEAMPIERRE: No.

MS. STOEVE: -- not 10 minute --

MS. YEAMPIERRE: No, you can give 10 minutes.

MS. STOEVE: 20 seconds.

MS. YEAMPIERRE: We have your testimony. You can --

MS. STOEVE: Yes.

MS. YEAMPIERRE: -- respond but you can respond briefly.

MS. STOEVE: Yes. I did not mean to say minutes. Some of us have come to court concerning protests of this situation. The lawyer for Centerpoint said that the Planned Industrial Expansion Authority, which is totally appointed by our mayor, holds the title to the new facility and then it is being leased and subleased in a very mysterious way but GSA subleased.

Then it gets subleased to NNSA and then Centerpoint will be able to buy it back after 20 years for like \$10.00.

MS. YEAMPIERRE: Thank you. Did I miss anyone on the Council?

MS. HORNE: Can I just follow up?

MS. YEAMPIERRE: Sure, Savi.

MS. HORNE: This is not a charge of the NEJAC but it would be interesting if we could get the specs on the ownership of this particular facility for future consideration.

MS. YEAMPIERRE: Okay. Thank you. Anyone else? Sue?

MS. BRIGGUM: Just that I think it very fortunate Mr. Brooks is here because it is helpful to have him hearing about this ownership issue in that EPA does have the long-term obligation to assure that there will be sufficient resources in order to address any future remediation. So, the statement you mentioned, I am sure will be very helpful to him and his staff in terms of what we can do.

MS. STOEVE: Thank you.

MS. YEAMPIERRE: Thank you. Thank you. John?

MR. RIDGWAY: I am John Ridgway with the Washington State Department of Ecology. My brief comment here is you are bringing up a great example of a reminder to us all that nuclear related facilities have a lot more of a risk and concern than just nuclear related waste. Washington State has the most contaminated radioactive waste site in the country -- some would say in the world.

Just trying to characterize the chemicals beyond the radionuclides continues. It very, very complicated. It is very expensive and my last point is that whether it is in a residential community or out in the middle of a -- what some would call a desert, it is still a resident to maybe a very relatively disbursed population but the pollution is just as extreme and just as hard to clean up and just as hard to characterize.

It is very complicated. So, I appreciate you bringing the attention to the Council for this.

MS. STOEVE: Okay. Thank you.

MS. YEAMPIERRE: Thank you so much for joining us.

MS. STOEVE: Thank you.

MS. YEAMPIERRE: Carol Elaine Giessel, Andrea Gross, Sahj Kaya.

MS. ROBINSON: All three.

MS. YEAMPIERRE: All three. That is awesome. Okay.

***Comments by Elaine Giessel, Chair,  
Environmental Justice Committee of the Kansas Chapter of the Sierra Club***

MS. GIESSEL: My name is Elaine Giessel. I have served as a chair of the Environmental Justice Committee of the Kansas Chapter of the Sierra Club for almost 10 years. Before you start the clock, I had a request from Shankar to clarify something that I spoke with him about during a break. KCPL may have sat in this very chair and failed to acknowledge that part of the reason they were involved in energy efficiency programs retrofitting of existing old electrical generating plants and generating -- constructing wind energy plants is that they were forced to.

Part of that was an agreement that was signed with the Sierra Club of Missouri. I just thought maybe that ought to be mentioned. Sometimes it is nice to have carrots and sometimes it is nice to have a stick to go along with it. So, that said --



MS. YEAMPIERRE: You ready to start the clock now?

MS. GIESSEL: Pardon?

MS. YEAMPIERRE: Are you ready for us to start the clock now?

MS. GIESSEL: Yes, please.

MS. YEAMPIERRE: Okay. Thank you.

MS. GIESSEL: First, my colleague Leslie Fields, who directs the Sierra Club's National Environmental Justice and Community Partnerships Program, sends greetings to you all and her regrets that she was not able to be here. She did, however, send me a copy of her comments that she submitted last month on the EPA's EJ 2014 Plan.

As she has pointed out in her letter, the Sierra Club's efforts on EJ are national in scope. Unfortunately, we do not have enough funds to have an organizer here in the Kansas City metro area. We do, however, have volunteer grassroots advocates who work with local partners. For example, our Kansas Chapter is working directly with community activist Richard Mabion who spoke before you on energy efficiency and conservation education.

As part of that effort, we are actually underwriting the purchase of compact fluorescent lights that he distributes along with his education efforts to low income neighborhoods. We have also been involved for years with Haskell Indian Nations University on the proposed construction of a major highway very close to their campus and as an aquatic ecologist, I occasionally have the opportunity to review permit applications for potential EJ concerns.

Several of Ms. Fields' comments on the Plan, the new 2014 Plan mirror concerns that I have regarding here -- issues here in Kansas and I am from the Kansas Chapter. In discussing proposed cross agency focus areas, Ms. Fields notes that she had advocated with the EJ community for enforcing EJ concerns in EPA's permitting process, which I see that you are about to address.

Having the opportunity to make comment during the process is absolutely critical but it is not just EPA's permitting process that concerns both of us. As Ms. Fields states, EPA must develop strategies to ensure that the goals are implemented by the state and local agencies, particularly those to whom this permitting process has been delegated officially.

It has been my experience that personnel of state and local agencies are generally not familiar with or sensitive to the scope of complex EJ issues. Especially of concern is the U.S. Army Corps of Engineers which is delegated authority to deal with Section 404 permits under the Clean Water Act. Eric Kirkendall has already mentioned the issue with the FONSI on the intermodal facility south of here.

I would add to the comments made on that that there are some issues. They are not closing down the area that currently affects EJ communities. It will remain -- perhaps not used as fully but it is not being closed in order to open the other facility. Also, we are not looking at the number of trucks that will be coming up the I35 and I70 corridors through the very heart of downtown Kansas City as a result of this project.

We are already looking at non-attainment for ozone. These trucks are going to be emitting precursors to ozone, the NOx as well as particulate matter. I am particularly interested and concerned about the South Lawrence Trafficway, which has not yet come up tonight. It is a project of the Department of Transportation in Kansas and will have tremendous EJ impacts on the Haskell Indian Nations Community.

They have been opposed to this project since 1985 and still it goes on. The current decision to build right against the campus is based on a core EIS which did not address the EIS -- the EJ issues sufficiently. In fact, there is a quote from the -- of the documents that they considered a non-issue despite the objections of that community.

Apparently, the Corps, the Federal Highway Administration, KDOT believes that 300 acres in mitigation wetlands and a nature center are sufficient to atone for decades of cultural, emotional and physical abuse of Native American children at this site. As one individual put it, the agencies either have no clue or no heart. I would agree with that.

I have a couple of recommendations that I would very quickly like to make. Specifically, one --

MS. YEAMPIERRE: One minute.

MS. GIESSEL: The EPA's regional office should provide technical assistance and funding as needed to the Haskell Community and insist on a moratorium for the construction of the South Lawrence Trafficway until EPA is confident that the complex EJ issues there have been appropriately and

adequately addressed. EPA has to make special efforts with Tribal communities to ensure that the rich and diverse traditional cultures of these indigenous peoples are not compromised in permitting or rulemaking processes.

Ms. Fields also made comments on the need to have lead agencies address EJ issues first. I certainly concur with that. There must be administration wide action involving all agencies, federal, state, Tribal and local in regulatory permitting and compliance activities related to environmental protection. Otherwise, even reconvening the Inner Agency Working Group on environmental justice is not going to make a difference even 20 years after the executive order. I thank you for having this opportunity to comment.

MS. YEAMPIERRE: Thank you for joining us. I am going to make some comments that are just comments coming -- not speaking on behalf of the NEJAC but speaking as an EJ activist. I think that, you know, Leslie Fields is someone who is really well respected, works in solidarity with environmental justice leadership but it is the opinion of many of us that Sierra Club is not an environmental justice organization and does not speak for environmental justice communities.

So, even in that regard, it would have probably been preferable to have actually indigenous people here speaking for themselves --- let me finish -- and I had the unfortunate experience of being on a show with the Sierra Club where they had -- it was a Latina show where they were talking about the solid waste management plan in New York City.

I was one of the founders of the organization of waterfront neighborhoods and they were -- they had all their facts wrong but they were talking about our struggle, our work, our campaign, our victory and were talking about it on national television. I thought it was really inappropriate. So, I do respect Leslie tremendously.

I think that the role that an organization like yours plays is to provide technical assistance at the request of local groups and in solidarity with them in supporting their leadership. So, I just wanted to put that on the table because it continues to be an ongoing problem in different parts of the country. So, I would like to take some comments and -- from the Advisory Council. Jolene?

MS. CATRON: Thank you. Good evening. My name is Jolene Catron. On the NEJAC, I serve as a representative of indigenous organizations and communities. This -- what Elizabeth was talking about is an issue that I have been paying close attention to lately. I work on the Wind River Indian reservation with the Eastern Shoshone and northern Arapahoe Tribes but I am Navaho from New Mexico.

So, I also keep up on the ongoing of my home country in New Mexico and Arizona. I know one of the -- one of the issues that has happened, especially around Peabody and the use of the in aquifer is that Sierra Club has come into support of the local community areas and so the kickback from the Tribal governments has been to kick Sierra Club off of the reservation.

So, the -- so nationally how that plays out, there has been a house resolution put forth under the concept of consultation that if an agency wants to come in and consult government to government with Tribes, if they want to consult with their Tribal members, they have to go through the Tribal government first to get that approval. That is part of this formal consultation process that they are talking about.

MR. : Right.

MS. CATRON: So, they have to get approval of the Tribal government to talk to any of the local non-profit or organizing communities in the area. So, that really puts us at a whole disadvantage because if we are working in communities building community capacity, building understanding of really foreign concepts of environmental regulation on Indian lands, we are working behind an added layer of governance.

If that governance is saying the only way you can talk to an agency is if they go through us first, then we have really, really lost our voice altogether because sometimes they may see us as -- the Tribal government may see us as an adversarial kind of position. So, if they do not allow an agency to come in and talk to us, then we have no voice period.

So, that is really my concern. It is something that I deal with on a daily basis. I do not know what the answer to that is. I think Elizabeth struck on that a little bit specific to what you were talking about. It would have been good to hear some of the local representatives ---.

MS. GIESSEL: May I respond to that? I appreciate -- I am familiar with the situation of the southwest -- what transpired. I too am dismayed that Haskell is not here because I think this is predominantly an EJ issue with the choosing of a route for a major trafficway through sacred wetlands. I have -- they have been apprised. I know that individuals from Haskell have spoken out in other venues in

literature that serves the Native American community and at conferences.

I am not sure why they are not here; I will be honest with you. They know of this meeting. I suspect it is frustration dealing with the process of Corps of Engineer permits, with hearings, with lawsuits and the works. They have been working this since 1985, long before I moved to this area from Texas. I do not know how to solve that problem.

I know they asked me to help me write a grant for EPA funds to help them with this problem. I sat down with them for a week and did the grant writing and then discovered no one had the number of their tax free charter as a not for profit and we were lost. I mean, it is a different community. As you said, it is sometimes difficult to be able to help even if you just offer that assistance.

I do not know where to go with this. I really do not. I am saddened that they are not here.

MS. YEAMPIERRE: Jolene?

MS. CATRON: I think part of that answer has got to be that the Sierra Clubs of this nation have got to be advocating to Tribal agencies and Tribal governments and working with them to help include a strong community outreach and meaningful participation for the community. So, then that way the support is there at the Tribal government level out to its own community -- its own Tribal members which are the -- which is the heart of the political body.

So, you know, I do not think that there are any EPA's -- even EPA's own Indian policy does not include that. There is no strong statement from EPA that says it is good governance for Tribal governments to reach out to their own Tribal members in a meaningful way.

MS. GIESSEL: What -- our problem at Haskell is that 150 Tribes are represented there on campus and we did work hand and hand with the Potawatomi Nation in looking at alternatives for this. So, we have gone that route.

MS. YEAMPIERRE: Hilton?

MR. KELLEY: Yes. As a community activist, having come up through the ranks over the last 11 years, I would be remiss if I did not say something concerning the Sierra Club's hand in assisting thousands of EJ groups in achieving some of the successes that they had achieved. I do not believe I would be sitting here today had not it been for the assistance that my organization, which is the only organization I can speak for, received from the Lonestar Sierra Club and also from the Leslie Fields in Washington, DC.

So, I am not very familiar with the issues that are being discussed concerning the Tribes but I can say that the Sierra Club across the nation has been very instrumental in helping communities like Port Arthur, Texas and other community organizations that I am very familiar with. So, I would just like to commend you on the work that, you know, we are familiar with and that has been instrumental in helping us to achieve some of the successes we have achieved.

MS. GIESSEL: We are learning as we go and sometimes it is painful.

MR. KELLEY: Yes.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: I also want to commend Sierra Club's support to all of California in trying to move this monumentous decision forward and it has been --- supporters in --- recent bill said community benefits fund --- climate change program in getting that through the legislature though it was vetoed. So, we know that you do not speak for the community but at the same time, I think your interests in this agenda and moving this agenda forward is always appreciated.

MS. GIESSEL: Thank you.

MS. YEAMPIERRE: Let me just clarify that we are not talking about facilitating. We are talking about supplanting. I am not so colonized that I feel like someone needs to speak for me. I am comfortable with being able to speak for myself, and so are my people. So in a lot of cases, what happens is that -- because people are in need, they are willing to give up power because the process is not put in place to provide them with the tools and the information necessary for them to speak for themselves.

I am saying that we do not have to be passive recipients of someone's good graces that we have to be in the driver's seat in transforming not only our community but leadership in our community. So, I just want to be clear about that. That does not mean to say that you have not done good work in a lot of different places but how it has been done in a lot of different places is pretty uneven. Kim?

MS. WASSERMAN: So, I had the fortunate of heading up the NEJAC 2014 -- the EJ

2014 Plan conversation for NEJAC and so, I appreciate the comments from the Sierra Club and I want to take Elizabeth's comment and push it a little bit past that in saying that I think it is great for the Sierra Club to either speak or not speak on behalf of these organizations.

But I would definitely say that I would challenge the Sierra Club to work with these groups to have them if they are going to -- if -- understand and look at the Plan and comment on behalf of themselves, not through the Sierra Club because I think that is where the EPA needs to hear from more and more organizations and people that are on the ground.

I think it is a question of enabling a lot of our organizations -- a lot of our folks to take on this work and not feel like there is one individual or one organization that is going to plant the way for them or fix things for them but really empowering our community's understanding that they themselves are the solution to the problem that they are dealing with in their communities.

So, I would say that I think it is important -- and I think in knowing Ms. Fields and being a great admirer of her, I appreciate the comments but I would also again say that I think it is pushing back on those organizations to find out why they could not be here. If it is a question of some of us reaching out to them on like how we can help transition them to be part of the process to be able to have them participate fully with us.

MS. YEAMPIERRE: Jolene?

MS. CATRON: Thank you. I would just like to add that in my experience in the work that I have done, the idea of activism and rocking the boat really hard is not highly regarded in a lot of Tribal communities. That does not mean to say that they won't -- that -- I mean, I do not mean to over generalize, but you really have to pay attention to how decisions are made in the community.

They may not be made through the Tribal government. It could be through a clan system. It could be through the Elders. It could be however -- however that decision process is made. So, modern day activism is really a difficult thing in an Indian community, especially if they have a strong traditional value.

So, I have learned that over and over again in a lot of the communities that I worked in and so, it is a difficult -- if you come in as a community with -- as an organization into a Tribal community and your organization has resources to help build capacity, you really have to be careful at like what kind of capacity you are building and how you are perceived in the community because if you are not perceived as too radical, too activist, too anything, the backlash is really strong.

MS. YEAMPIERRE: Elaine, do you want to respond to any of these comments?

MS. GIESSEL: No. It is a learning process for me as well. I think our only difficulty in working at Haskell is it was not the kind of setting that I think Jolene is describing when you have transient students from all different Tribes from all over the country. It is a difficult thing to address.

MS. YEAMPIERRE: Thank you for joining us. Is the messenger intact?

MS. GIESSEL: I will pass on the message --

MS. YEAMPIERRE: Thank you.

MS. GIESSEL: -- how about that? Thank you.

MS. YEAMPIERRE: I am sorry. There is one more. Wynecta?

MS. FISHER: Hi. Wynecta Fisher. I actually -- and maybe -- this is just an idea but I have noticed that whenever there is a need to get the numbers out, Sierra Club will do that and they will do that, you know, on behalf of the -- of a community. I am just -- I am thinking about, you know, when I used to work for the city of New Orleans but I will tell you the good and the bad of that.

When you show up with the numbers and there are busloads of eager kids saying don't, don't, don't and they are from every place but the place that has the issue, it is falling on deaf ears because the very first thing people are going to say is wow, there are a lot of people here but it is not the resident that lives in that house or that house or that house.

What it does is it undermines the work that needs to be done and I do not know if -- I know people have good intentions. So, I do not know if when, you know, you are bussing in three or four busloads of people, to get behind a community when they are not actually a resident of that community. It is kind of like okay, yes, well, they do not live here so do we really listen to what they have to say.

So, when you say you are speaking on behalf of the community and you cannot give me a name of a person and you cannot give me the address of a person and you have not actually spoken to a person, not you personally but as an organization, you then begin to wonder well, is this something that they are passionate about or is this really something that the resident is passionate about.

So, maybe when you get ready to bring those three or four busloads in, find out from the

people that live in that community if they would like to take a seat on that bus to go to the state capital to do the protesting themselves and that you would be willing to train them. Just a suggestion.

MS. GIESSEL: Thank you.

MS. YEAMPIERRE: Thank you. Thank you for joining us. Andrea Gross?

***Comments by Andrea Gross, Director,  
Community Outreach at the Interdisciplinary Environmental Clinic,  
Washington University School of Law, St. Louis, Missouri***

MS. GROSS: Good evening. My name is Andrea Gross and I am the Community Outreach Director at the Interdisciplinary Environmental Clinic at Washington University School of Law in St. Louis. I am here today to speak about a time sensitive issue with regards to the Carter Carburetor Superfund site in north St. Louis. It has been called a Superfund site.

However, it is not on the national priorities list. If I could read from the letter that I believe some of you may have that we submitted to Dr. Brooks and Ms. Jackson just this Monday. "On behalf of the Lindell Park Neighborhood Development Association, we request a 90-day extension of the public comment period on the Engineering Evaluation and Cost Analysis for the Carter Carburetor site in St. Louis, Missouri.

The current comment period is set to expire on November 30<sup>th</sup>. We were just recently asked by the Association to assist them in reviewing and commenting on the EE/CA. Residents are very appreciative of EPA's efforts to move forward with the cleanup of the site and are eager to submit comments that will assist EPA in deciding on the most appropriate long-term remedy.

However, the community needs additional time to submit comments that will help ensure the EPA's decision is best for the community. The Carter Carburetor site is located in a significant environmental justice community. Lindell Park is the residential area immediately to the east of the Carter Carburetor sit. According to the EPA's EJ View, within the half mile area around the site that includes Lindell Park, over 99 percent of the residents are minority and over 35 percent live below the poverty line.

These minority percentages are far greater than those for St. Louis (53 percent minority) and Missouri (15 percent). The poverty level around the Carter Carburetor site is over twice the state average. Environmental health indicators for the area, including cancer, neurological and respiratory risks, all put the area in at least the 97<sup>th</sup> percentile for toxic air pollution risks.

Clearly, the area around the Carter Carburetor is exactly the type of community that EPA's Environmental Justice initiative is meant to address. Both EPA's environmental justice principles and Superfund policies direct EPA to ensure that the agency makes every effort to involve Lindell Park in its decision making process.

However, the public participation opportunities that EPA has provided thus far fail to live up to the environmental justice principles and reflect the minimum 30-day extension required by the regulations -- hardly the meaningful participation EPA has promised environmental justice communities. In October, residents learned that the EPA was now prepared to move forward with a permanent remedy for the site, after the building lay as a contaminated eyesore for 25 years.

There is no indication in the administrative record that EPA made any effort prior to the release of the EE/CA and October hearing, which was very well attended, to inform the nearby residents of the likely contents of the EE/CA. Now, the community is being asked to read and comment, in less than 60 days, on an EE/CA that contains over 600 pages of dense scientific and regulatory information.

EPA has designated an even larger volume of documents as the administrative record that residents are expected to familiarize themselves with and provide comments on. It is impossible for any community, much less one that lacks the resources to hire expensive consultants, to review and comment on this much technical information in such a short period of time.

EPA, with its thousands of employees, took over 320 days to review and comment on earlier EE/CA drafts. When a first draft of the EE/CA was submitted to EPA in May 2009, EPA granted itself over 90 days to provide comments back to the company MACTEC that prepared the draft."

MS. YEAMPIERRE: One minute.

MS. GROSS: "When another draft was submitted to EPA in December 2009, EPA granted itself another 5½ months to provide comments on just the parts that had been changed. EPA even granted MACTEC over 6 months to respond to EPA's comments. Surely, having granted itself 11

months to review drafts and MACTEC over 6 months to respond to limited EPA comments, EPA must provide the environmental justice community around Carter Carburetor and additional 90 days to review and comment on the EE/CA."

So, essentially this is a time sensitive issue and we are asking if the EPA consider the 90 day request and let citizens have more time to put in their comments just so the -- as the EPA did.

MS. YEAMPIERRE: Thank you. Karl?

MR. BROOKS: Yes. Thanks Ms. Gross for bringing the letter directly to our attention here. We received a copy of it yesterday in our office. We are giving it very careful consideration. The principals that you state at the heart of the letter are obviously principals that we are taking very seriously. I want to take just a little bit of chance consult with Council and consider how we handle the EJ implications of that, but it is a reasonable request with an adequate basis behind it but you will understand that having just over 24 hours to look at the letter --

MS. GROSS: Sure.

MR. BROOKS: -- I am not prepared yet to make the decision but will in a very short time.

MS. GROSS: Okay. We appreciate that.

MS. YEAMPIERRE: Any other comments or questions from the Council? Do you see any?

(No response.)

MS. YEAMPIERRE: Okay. Thank you, Ms. Gross.

MS. GROSS: Thank you.

MS. YEAMPIERRE: Sahj Kaya?

MS. KAYA: Yes. Thank you.

MS. YEAMPIERRE: Welcome.

MS. KAYA: You said it right too.

MS. YEAMPIERRE: Finally, I get one right.

MS. KAYA: My name is Sahj Kaya. I am an activist. I wear many hats. I am on the member of Peace Planners here in Kansas City and East Meets West of Troost. I have a couple of issues that I wanted to address briefly and quickly. I am an artist also. So, I will start by saying that for 30 years, I have been dealing with the issue of nuclear weapons and one of the pieces that I wrote concerning -- it goes a little bit like this. It goes -- and it is a little variation.

"Test. Test. Nuclear weapons. Build, build nuclear weapons. What are you building for? Do you test to see how many will be killed in the air, on the land, in the sea? Nuclear weapons, ray guns. What are you building for? Destruction is all you see. Can any good -- any good be with nuclear weapons? Defcon 2, Arms Alert. Defcon 3, Combat Zone. Defcon 4, Trigger the bomb.

No more sands. No more seas. No more trees. No more you. No more me. Nuclear weapons, build, build. What are you building for? Only if they could listen. Only if they could hear the blood running, dripping in their tears. Born to live. Born to die. Human inhumanity exploding in the skies. Nuclear weapons. Ray Guns. What are you testing for?

The rays from this gun burns the flesh of children. The rays from this gun burns the flesh of children." That was one of the pieces I have been doing since the '80's and I am very concerned about environmental justice, about this nuclear weapons plant. I managed a road that has contaminated the environment. I try to educate, enlighten, empower and inform people through my art.

There are a lot of people that I --- contaminated and are dying from that plant and now they are building a new plant. They are spending lots of money on this when really they moved it by saying they were going to get 2,500 jobs but if they got green jobs, they would have had 3 times -- 4 times that many jobs and for the cleanup of the Bannister plant and those jobs would last 30 or 40 years.

They would make more money from those jobs, as well. The other thing I want to comment really quickly is I want to save the planet by, you know, banning and get rid of this nuclear weapons. We do not need them. We have got as many bombs as we possibly could need to blow up the world over and over again.

There is no justification for spending all of that money on it. Healing the planet is another thing. I want the -- this group to seriously look at the issue of hemp -- hemp cannabis a tbomb. Hemp is a plant that is non-toxic -- is a non-lethal. It has no lethal attributes. I cannot kill you. It was a number one economy plant for our economy years ago and it is 120 day crop that grows and it produces oils that do everything that fossil fuel and petroleum does without contaminating the environment.

It does everything the trees do without contaminating the environment or cutting down all

the trees that we need in our environment. There are two resources I would like for you to look at that would give you the information that this cannabis ateva hemp plant was made illegal -- illegally. One of those is A Billion Dollar Crop. It is a documentary- films.org. You can get it there.

The other resource is The Emperor Wears No Clothes by Jack Herer, H-e-r-e-r. I really would -- I think it is essential because we have hemp products all over our stores now but it is still illegal for our farmers to grow, which would heal the topsoil --

MS. YEAMPIERRE: One minute.

MS. KAYA: -- and would boost our economy eventually. I think you need to really take a serious look at this plant and how it was made illegal -- illegally and get the information out there. There is more I can say but I really do not want to run the clock out. Do you have any questions?

MS. YEAMPIERRE: Thank you, Ms. Sahj Kaya in bringing in your arty --- spirit into this space. I do not think we have every had anybody do some spoken word here before. So, thank you for that.

MS. KAYA: Yes, I have a -- this is my book. I have five -- four other books --

MS. YEAMPIERRE: Okay.

MS. KAYA: That is all -- has to do with --- environment.

MS. YEAMPIERRE: You are going to laugh but I have actually seen a lot of those films on YouTube and I know that -- I know how hemp was actually taken out by Petra Chemical Industries and all -- and how sustainable it is --

MS. KAYA: Yes.

MS. YEAMPIERRE: -- and how it can be turned into so many different kinds of things --

MS. KAYA: Yes.

MS. YEAMPIERRE: -- and how it was -- and how it became what it is perceived to be now. So, it is actually a material that is actually sustainable and actually good for the environment and can be used in a lot of different ways.

MS. KAYA: And our economy --

MS. YEAMPIERRE: Yes.

MS. KAYA: If our farmers were there to be able to grow it, the products that we have on our shelves, they would be able to put on there and --

MS. YEAMPIERRE: Yes.

MS. KAYA: -- it would boost our economy.

MS. YEAMPIERRE: I know but there is that perception of it being used for intoxicating use and that perception alone will prevent people from embracing all the other good things that come from it.

MS. KAYA: Well, that is information.

MS. YEAMPIERRE: That is the reality.

MS. KAYA: Yes.

MS. YEAMPIERRE: But anyway, let us take some comments.

MS. KAYA: Yes.

MS. YEAMPIERRE: Hilton? Thank you.

MR. KELLEY: Yes. I am familiar with, you know, some of the uses of hemp and how the properties of it can make bags and other garments, as well. I appreciated your point. That is what I really wanted to say, as well.

MS. KAYA: I wish I could do the one about the hemp.

(Laughter.)

MS. KAYA: You would love that one. Yes. Would you let me do that?

MS. YEAMPIERRE: Okay. We have -- yes, we have got about I think three more people so --

MS. KAYA: Okay.

MS. YEAMPIERRE: -- but, you know, on another day. Does anyone have any comments or any questions?

MS. KAYA: Ask me to do the poem.

MS. YEAMPIERRE: Right.

(Laughter.)

MS. YEAMPIERRE: I know you want to perform. I feel it. I feel it. Thank you. Thank you for joining us.

MS. KAYA: Thank you.

MS. YEAMPIERRE: Thank you.

(Laughter.)

MS. YEAMPIERRE: The last three are Andrew Clark, David Mitchell and Sasteh Mosley. Andrew? Where is Andrew?

MR. CLARK: Hello.

MS. YEAMPIERRE: If you could introduce yourself. State your name and your organizational affiliation. Welcome.

***Comments by Andrew Clark, Concerned Citizen***

MR. CLARK: I am Andrew Clark, lifetime Kansas Citian.

MS. YEAMPIERRE: Welcome.

MR. CLARK: A U of KC undergrad studying Urban Planning and Design. Today, I attended the Youth Workshop that you guys supported, which was great, and it allowed me to reflect on my studies of Kansas City's neighborhoods to what is going on on the national level. I wanted to talk about what is going on here in Kansas City since a lot of you are not from here.

My responsibility as a citizen is to address that Kansas City's youth have been and continue to be disconnected from decision making processes. This is evident -- last school year, the Kansas City, Missouri school district had to close 26 more schools. Over half of these are already in the most distressed neighborhoods in Kansas City; race, poverty, crime, vacancy.

So, this adds another psychological and physiological problem of the neglect of these schools and these kids constantly seeing this environment. So, what I have come to say is that Kansas City is broke. The ETAC's did not go through. The Kansas City, Missouri school district is broke. These neighborhoods already have no money.

So, we obviously need help from another level. I know the federal government is helping with the Green Impact Zone, but the entire school district needs this help. These neighborhoods need the help. One of the schools closed was the Environmental Studies School. It was built in 1992. It is one of the newest schools that were built after the desegregation suit in the state of Missouri.

We are stressing an environmental justice issue and environmental sciences are necessary to understand this issue, then we need to reopen an environmental science school. With the help of the federal government and working with state officials and city officials, perhaps we could even create a hub where the entire region of Kansas City can use it. We are still divided between urban and suburban here.

This is a chance for all colors to come together, all socioeconomic people to come together -- or different levels to come together and learn through ecology. The ecology is being dropped from all these neighborhoods. The only ecology going on is vacant lots. So, I just wanted to say, it would be great if the EPA Region VII -- and I know this is going on all throughout the United States in urban cities, schools closing.

If the EPA could be involved with these repurposing processes and make sure that absentee landlords are not coming in and adding to more deterioration of these neighborhoods. I wanted to keep it short and sweet. Thank you for your time.

MS. YEAMPIERRE: Thank you. Any comments or questions from the Council?

(No response.)

MS. YEAMPIERRE: Okay. Thank you. David Mitchell?

***Comments by David Mitchell, Concerned Citizen***

MR. MITCHELL: Yes. Hi. My name is David Mitchell, as you just said. I just wanted to be clear. I am an active member of the local Sierra Club group here in Kansas City, Missouri, the THB group, but I was not sent down here by the Sierra Club. I came down as a passionate citizen regarding the issue of global warming. I would specifically like to address CO2 and some comments that James Hansen made in his book, Storms of My Grandchildren. Is that okay with you or --

(Nodding of head "Yes".)

MR. MITCHELL: Okay. All right. Just a little bit of a personal note. I have been increasingly passionate about global warming since about 2004. I have read a number of books on the subject, including various other literatures. Most recently I read James Hansen's book, Storms of My Grandchildren. James Hansen is the NASA climate scientist -- the preeminent scientist who is still



currently employed by the federal government.

He -- I read the book and then I wrote a review for the -- of the book for a recent newsletter that was put out in the Missouri Sierra. Basically, he calls for a reduction of CO2 to 350 parts per million worldwide with a current level of approximately 390 parts per million. The -- in order to avoid the potential for runaway global warming, he recommends that he calls for no new coal plants in the U.S. and a going offline of all coal plants by 2030.

He also calls for the implementation of a policy of fee and dividend, which involves corporations paying an increasing annual tax on the mining or drilling of fossil fuels with these funds that are collected directly transferred equally to all U.S. citizens. It is critical that it is -- it is critical that the U.S. take the leadership role of these significant reductions -- reduction of the use of fossil fuels and the pumping of CO2 into the atmosphere. What will the EPA be doing to address these issues?

MS. YEAMPIERRE: Thank you. Any comments? Teri?

MS. BLANTON: I would just like say thank you for bringing up James Hansen. I would just like to say that him and I were arm and arm as we were arrested in Washington, DC last month protesting mountaintop removal.

MR. CLARK: I read about that.

MS. BLANTON: Thank you.

MS. YEAMPIERRE: Shankar?

MR. PRASAD: You bring up a very good point about the importance of the global warming and the climate change and its interaction in the context of environmental justice. It is well established from many studies what the economic impacts and the health impacts of this parity that is expected as the global warming continues.

At the same time, I think what EPA -- EPA has done an endangerment piece on that --- so to that extent, I think how far they will go, it remains to be seen. As far as we can push that agenda forward, it will be good but it is unfortunate that in terms of the political ramifications and where the political reality is that the --- and the President has made a clear statement a couple of weeks back that cap and trade is not the only way to skin the cat.

It may not be the way to go about but to think that we may try to address this issue in the context of energy possessing. In that sense, probably the question of what you are saying about the coal issue needs to be seriously considered.

MR. MITCHELL: I would just like to, you know -- James Hansen makes clear in his book that he does not feel that cap and trade is an effective policy at all. He does push quite strongly this concept of fee and dividend, which I was not familiar with -- knowledgeable of and am still not but my understanding is that corporations pay this tax when they mine or drill for oil or natural gas or the mining of coal, they pay the tax and then that tax goes directly to U.S. citizens for the increased cost of fossil fuel.

If you annually increase the tax and then billions of decisions made by millions of people to reduce their consumption to make money. You know, the more energy efficient people make money because they do not -- they get so many thousands of dollars of year from this tax and then you -- if you spend less money on energy, then you make money.

So -- but I mean that is, you know -- I am not real familiar with this policy and -- but when I read about it, I just thought it was a really good idea. I think the other issue is that there is a general environmental justice issue around -- he calculated -- James Hensen calculated in his book that each coal plant in the United States is going to wipe out 400 -- I am not absolutely sure of this but it is going to wipe out 400 species per coal plant.

I am not absolutely sure of that figure but I think it is around that. The -- well, and if you want to take an extremely global view, he feels that the reduction of CO2 to 350 parts per million is necessary to have a chance to stabilize the climate before runaway global warming happens. So, that is kind of an issue.

MS. YEAMPIERRE: Thank you, Mr. Mitchell. A lot of us are really concerned about climate and its impact on vulnerable communities. We are working on climate adaptation plans and community resilience but we are also concerned about co-pollutants and oftentimes broad based approaches to address the reduction of carbon do not address the co-pollutants that affect environmental justice communities.

So, we are concerned about all of it. Thank you for bringing it to our attention.

MR. MITCHELL: Okay.

MS. YEAMPIERRE: Thank you for joining us.

MR. MITCHELL: Thank you very much.

MS. YEAMPIERRE: Sastah Mosley?

***Comments by Sasteh Mosley, East Meets the West of Troost***

MR. MOSLEY: Hello everybody.

MS. YEAMPIERRE: Welcome.

MR. MOSLEY: Welcome to Kansas City. I want to say a disclaimer. First of all, I live in the Ivanhoe neighborhood and in the Green Zone. I take full advantage of all the opportunities and none of my comments are in any way to discourage the efforts going on. Am I covered Ms. May? Because I live in the community and I do get involved with the programs but what I am here to talk about is the -- organization, East Meets the West of Troost, has been a -- working with the coalition of the PeacePlanners and we have broken into three different components.

One to deal with the sick workers at the old plant and the remediation of that. The second component deals with the new plant and the -- what we anticipate will be no need for it if we get our treaties. We ask they enforce our treaties leaving Kansas City with a bag -- an empty bag. The third component is dealing with the actual reason that our African-American leaders that we trust and that we count on voted for the plan.

Their main reason was for the 500 jobs or the 24 percent of the jobs that we were promised. So, as many times, when you are in activism, you look ahead and you fight your fight but you have to watch out for the guy behind you trying to do the same job running into the back of you. So, we basically stopped there at that 24 percent and refocused our green jobs effort at enforcing that.

We have -- I work as an urban farmer. We have put 50 stimulus workers out into the field training youths. They leave our program as urban agricultural specialists. So, I have got my hands involved with the workforce development here in Kansas City. East Meets West also does urban farm tours. We do not just do our farm.

We actually, on call, just take people out and show them all the different types of urban farm initiatives that are out here with community organizations and with just individuals. People that take it to market and people that just want to lower their budget for food and use -- learn life skills. We have had three sites that have already been tested by the EPA.

We are getting those results in. We have got another set coming in. So, we are -- we have got a good relationship with the EPA before today. Another round -- let me see. Each time we look at these large economic development projects, we see these set asides. These are jobs for the most needy people. The leadership votes for them and we are supposed to get the jobs but a lot of times, these jobs are unattainable and uncountable.

What we mean is that I have passed a psychological background test and an FBI background test for getting my job when I worked in a nuclear weapons plant and for being a nuclear --- operator but I know my neighbors cannot pass that test and many of them have felonies and many of them have serious health issues where they would not be able to pass that.

So, I call them unattainable jobs. We -- our group, at this time, have decided to look at the job pieces, listen to what the leaders have already agreed upon and to this point, we have gotten to the point where our civil disobedience has led us to the point where we get arrested, we go to court and then the case gets thrown out.

It is simply a method of diverting us and wasting our time. So, we have decided to focus on a local political solution. What I request would be for our city leaders is we want our city leaders to add to their planning initiatives --

MS. YEAMPIERRE: One minute.

MR. MOSLEY: -- the conversion of a nuclear weapons jobs into green energy jobs. We know the end is near for this industry, hopefully, and we want our leadership to take on that --- and let us know what is going to happen in 5 or 10 years when we are left holding the bag. We have looked at people that have had these relationships and taken these deals.

We are hoping that we do not end up in the same place as the Navaho Tribe that has a 90 percent unemployment rate and the Lakota Tribe that has a 65 percent unemployment rate. Right now, our urban core they say is 20 percent unemployment rate but we know it is really about 40 percent of unemployment rate. We know we are going to learn from the Navaho Tribe that dealt with the remediation of the uranium mines.

We are learning from the green energy training that the Lakota Tribe is doing right now. We are going to develop those relationships --

MS. YEAMPIERRE: Time.

MR. MOSLEY: -- and deal with those sensitive issues when dealing with the Tribes. I am almost done. We want to use the new tools that we have gained at this conference. We have gained the tools of how to look up the actual impact out at the nuclear weapons plant and we have also developed some relationships since we have been here.

So, I want to thank you all for coming to Kansas City. I look forward to working with you in the future.

MS. YEAMPIERRE: Thank you. Any questions or comments from the Council? Nicholas? Nicholas, I am sorry. I did not see your card before and I know you had a question for the previous speaker.

MR. TARG: I just wanted to amplify on the point that you had made that with -- in the issue of climate change, is the policies that address climate change rather frequently, the -- can be substantially impracticable to the community, not just the primary effects of climate change itself.

So, I was very interested in your experience as a urban farmer ---, in working with EPA to test the plots of ground of which you were growing crops, can you talk a little bit about your experience with that? How you came to work with EPA, what the results were and what their -- and how that changed in these practices?

MR. MOSLEY: Well, the first thing I did is the traditional leadership in the African-American community. I went to the NAACP conference and the black caucus actually was doing a national tour with the EPA administrator. She came, you know -- they had questions. My question was first, you know, about getting the -- paying of testing for urban farming because when -- we have got a problem in our urban core, she immediately assigns Althea Moses to get on it.

She came out to our office. They sent Petra Tech out and we got the testing done. It was a great process. We were lining up to do a whole other set because one of the reasons that an economy of urban farming, which is the economy for Kansas City. Kansas City was always known for agriculture and is basically that whole economy is administered plan.

We are left with this big gaping hole called the 64130 murder factory where there is no hope. There is no economy. So, we are trying to fill that hole. We are getting support from the EPA. We want to continue to grow that. We want to build it with the resources that we have learned about here -- the EPA grants. We are going to be submitting for those.

MR. TARG: If I may, what were the results of the testing?

MR. MOSLEY: The actual packet, I was there, you know, I have used the equipment before. I kind of heard everything was good. The guy did not run off with the package. I was told yesterday the package is on the way to our office. The results are not just pass fail. The results will tell us what we need to do with that particular piece of land so that we get all the nutrients in there so the plant that -- does not have arrested development.

So, it is not missing something like a lot of our kids in our school district.

MR. TARG: That is outstanding. Thank you very much.

MS. YEAMPIERRE: Savi? One of the things that I did not say to the members, and I apologize for this, is that when you speak, if you could just say your name and your organization for the record. I should have done that. Savi?

MS. HORNE: Yes. I am just interested. What about the uptake of chemicals that were pre-existing. I mean, is the soil sample -- are you checking the soil sample with your ---?

MR. MOSLEY: Yes. We are --

MS. HORNE: Are you organic certified? I mean what are you saying these things are? Certified organic? Transition organic? Food is good for you? Healthy food? I mean how do you market in that? I am really concerned about the soil.

MR. MOSLEY: Okay. The house that I am -- we had two houses tested. One is the one that I bought for my mother next door to my block captain and I know what is there.

MS. YEAMPIERRE: I am sorry. Do we -- we owe you respect. I mean, you are talking and we stopped listening because we are all giggling over this.

MR. MOSLEY: Okay. Okay.

MS. YEAMPIERRE: So, please start all over again because I -- we want to make sure that you are heard --

MR. MOSLEY: All right.

MS. YEAMPIERRE: -- and that you get the respect you deserve. Go ahead.

MR. MOSLEY: Okay. The last that we are getting --- the people are from lands that I have been living on and the other lot is -- my grandfather owns. We are not selling the food. We are using our EPA certification when we get those results in for next season. The previous lots that I was associated with that we worked with the youth with the stimulus work.

All those lots, we have seen the tests for those. We worked with a site that had planned development so we already had the relationship with the developer who was slowed down by the downturn of the economy. So, I am an engineer. I do know that you will poison people if you do not -- you should test your land. So, yes. We are testing it.

Others have gotten certified by Lincoln University down in Jeff City. It is a land grant college. They consult with us and make sure we are not working lands and getting food out to people that is bad for them. I am not certified organic, okay? I am not certified locally grown. The workers that come to my backyard and the workers that come to my grandfather's farm, they eat that food and they feed their families with the food.

They do not have jobs. They have no income and a lot of times they'll just -- they are taking the same chances that I am when I feed my children.

MS. YEAMPIERRE: Okay. Thank you.

MS. HORNE: I am sorry. It is just Savi Horne with NEJAC. I was the -- I am just kind of curious because I know this practice in Detroit in which they use layer and layers of newspaper to remediate the soil and then you pour topsoil on that?

MR. MOSLEY: Oh my God.

MS. HORNE: You know, I am just really concerned about healthy soils and getting second opinions.

MR. MOSLEY: I do not really want to go too far out with my appointment with the jobs but I will say this, when you focus on the job and when you focus on the job training and your goal is to act like a subsidized farm, lots of farms are subsidized by government dollars. They get their plants and their food all -- in their small fee subsidized for the -- we are running a farm.

We are trying to create jobs and just like they do when they make the nuclear weapons, you have -- you run your business and you take certain risks. That is really what we are trying to teach our urban agriculture specialists are that we show them how to test. We show them how much it costs. It is inexpensive. They have to continue to feed their families.

MS. YEAMPIERRE: You know what the concern is that oftentimes we have to choose between being employed and being healthy. I think that that is the running concern that you are hearing. Wynecta?

MS. FISHER: Hi. Wynecta Fisher. ---. I have a quick question. I think -- and just correct me if I am wrong. You said that the farm -- the land that you are doing your farming projects on, they are actually lands that you own? They are not vacant lots correct?

MR. MOSLEY: Correct. I have another project that does vacant lots and we have to get permission from the owner and get the test.

MS. FISHER: My question with the vacant lot and maybe you can help all of us with this. I know in several other areas, one it is zoning issue because if you are in a residential community and that piece of land is zoned as residential, how -- did you get the zoning changed? That is my first question. In order to put that farm there.

The second question is that a lot of people want to have urban gardens, which is a great idea, but then there is the issues of how do you water that garden so that the vacant lot, with the land owner -- who pays -- how do you get that -- do you get a water meter installed so that you can water the garden. Do you have an agreement with your neighbor? So, to help those individuals who are interested in possibly doing some urban farming that have a vacant lot, how would you suggest they -- what steps would you suggest they take; zoning and the water.

MR. MOSLEY: What I recommend is -- Richard Mabion was here earlier. He works with J14. Joe Jackson is the farmer there. He taught me how to do dry farming -- what is called dry farming and count how high pitched rows and be able to take -- do more land and live off the irrigation that comes from the sky. With our vacant lot piece, the zoning in Kansas City says if you own the lot, you can do crop agriculture and you can sell from that spot. It is very open, okay?

If there is a mixed use, meaning that you own the house that becomes an entirely

different battle if there is a house on the lot. We just passed an ordinance in June, Councilman Sharp came to the conference yesterday and talked about it a little bit where if there is a house there, the rules change. It becomes mixed use and you cannot have open transactions at the place.

I have got open transactions going on at my house so -- in my neighborhood all the time. It is not from a hoop house. It is from a crack house. So, we teamed up with the part of the community that was the green community and we --- prevail over those people that were concerned about the prestige of their neighborhoods.

We changed the ordinance. So, we are organized enough that we will, you know -- if we do not like our laws that were written 60 years ago when we had 90,000 more people in my neighborhood area and it was too tight to do farming, we just changed that arcane law. That is our approach.

MS. YEAMPIERRE: Thank you so much for joining us. I would like to thank all of the members of the public that have stayed and listened. This information is not just for us. It is an opportunity for us to share and get lifted by what we hear. I want to thank you for sharing your analysis, your recommendations, for sharing your stories and sharing your struggle with us.

We are always lifted when this happens. So, muchas gracias. Karl has some comments. After that, we will adjourn.

MR. BROOKS: Sure. Yes. Thanks, Elizabeth. My comments do not have anything to do with the previous witness but an earlier witness's comments veered off into an area that seemed to be to have not so much to do with environmental justice but with perhaps National Drug and Agricultural policy. I know that the chair's opinions in response to that were clearly her own.

She was very careful to make it clear that those were her personal opinions but since this is a transcribed hearing, this is on the record. I just want to say, as the senior EPA official here, the agency has absolutely no views whatsoever on National Drug or Agricultural policy regarding hemp. I just want to make that clear because this is a transcribed hearing --

(Laughter.)

MR. BROOKS: -- and the chairman did express some views about that. I just want to make that crystal clear. She was quite careful on that.

MS. YEAMPIERRE: And I have never smoked in my entire life.

(Laughter.)

MS. YEAMPIERRE: I am -- so, let me put that on the record, as well. In closing let me just say, there are some written comments that are in your records -- in your folders. If you could read those. For those folks that were not able to come here personally to testify before us, they --

MS. : ---.

MS. YEAMPIERRE: They will be incorporated into the record. I want to thank you for your attention, for your passion, for your love this evening. The meeting is adjourned. See you tomorrow morning.

(Applause.)

(Whereupon the meeting was adjourned at 7:01 p.m.)

### **WRITTEN STATEMENTS SUBMITTED TO THE RECORD**

Written statements were submitted for the public comment period by the following individuals who were not present to speak during the meeting.

- Mr. Lyle Courtsal, People's Multiservice Systems
- Mr. Steven Klafka, Wingra Engineering, S.C.
- Ms. Kathleen Weigand, Community Member
- Ms. Lynda Callon, Westside CAN Center
- Ms. Debra Ramirez, Citizens Against Contamination/Mossville Environmental Action Now
- Ms. Patty Brown, Missouri Sierra Club
- Ms. Jan Whitefoot, Concerned Citizens of the Yakama Reservation
- Ms. Ann Suellentrop (represented in person by Ms. Alicia Dressman, Physicians for Social Responsibility)

*(Note to readers: Written statements are shown verbatim, as provided by the individuals who submitted*